

DOCUMENT RESUME

ED 349 209

SO 022 309

TITLE Understanding California State Government. A Guide for High School Teachers: Preparing To Be Effective Citizens in California.

INSTITUTION California Council for the Social Studies.

PUB DATE 91

NOTE 84p.

PUB TYPE Guides - Classroom Use - Teaching Guides (For Teacher) (052)

EDRS PRICE MF01/PC04 Plus Postage.

DESCRIPTORS *Citizenship Education; Curriculum Development; Decision Making; High Schools; Learning Activities; Social Studies; *State Government; State History

IDENTIFIERS *California

ABSTRACT

Developed for California high school teachers, this guide is designed to help them clarify the role of the state government and improve students' understanding of the democratic process through their acquisition of knowledge, skills and attitudes. The guide provides the tools necessary to help students inform themselves about: current economic, demographic, agricultural, industrial, and political conditions; implications of the forces for change; governmental structure; issues directly affecting young people; and procedures to make government responsive to the needs of the people. The guide contains five chapters: (1) "The Special Challenge of Governing California"; (2) "The Structure of California Government"; (3) "Government Decision-Making in California: Politics, Lobbyists, and the Press"; (4) "The Legislator's Dilemma: The Ideal and the Reality of Decision Making"; and (5) "Making Government Work for You." Each chapter includes a narrative summary, a reading from primary sources and other supplementary materials that stimulate thought and discussion, topics for student research, and activities for the classroom. The activities are those that have been successfully used by California teachers in the classroom. A glossary and a 14-item bibliography also are included. (DB)

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UNDERSTANDING CALIFORNIA STATE GOVERNMENT

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A Guide for High School Teachers:
Preparing Students to be Effective Citizens in California

A Cooperative Publication of the *California Journal*
and the California Council for the Social Studies

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UNDERSTANDING CALIFORNIA STATE GOVERNMENT

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In Tribute

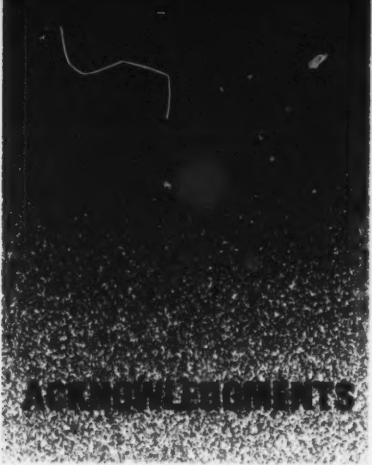
This book is dedicated to the leadership and inspiration of Jean T. Claugus, an eminent history-social science educator: Past President of the National Council for the Social Studies, Legislative Representative for the California Council for the Social Studies and Hilda Taba Award Winner for 1983.

"The preparation of young people to become effective and participating citizens is a never-ending task. Each new generation must be prepared to assume its responsibilities or the rights it presently enjoys from previous stewardship can be easily lost through neglect and abuse of the system. Efforts must be directed toward helping youth become knowledgeable citizens in a nation of laws, not whims...a nation where democracy is not merely a privilege to be enjoyed but a trust to keep and maintain."

Jean T. Claugus

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ACKNOWLEDGMENTS

This document is the result of a cooperative effort
of the *California Journal* and the California Council for the Social Studies

Special recognition goes to:

Thomas R. Hoeber, Editor
and his staff, *California Journal*

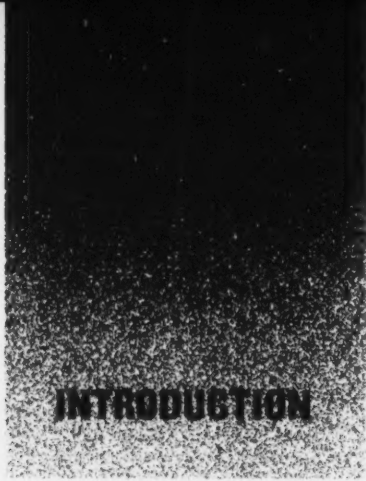
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INTRODUCTION

Why Study California Government?

At one time California was the land of superb climate, rapid growth, an easy pot of gold, and the glamor of movie stars. Its government and politics reflected the excitement of a land of opportunity and colorful characters. But no longer is California the promised land; smog has dulled the climate; unemployment runs about the same as elsewhere and sometimes higher; and the movie industry is far from what it used to be. California is experiencing the ills of a mature society: slowed growth, declining infrastructure, and the need for urban renewal. In short, California is no longer much different from the rest of the nation.

Earl Warren

The challenges which Chief Justice of the Supreme Court Earl Warren spoke of in the 1950s remain with us in the latter decade of the twentieth century. Yet despite the problems common to the remainder of the nation, California, the Golden State, remains a symbol of opportunity and a beacon to other Americans and citizens of other nations.

Indeed the increasing population and the rapid changes California is experiencing demand significant decisions on the part of our state's leadership and residents. Rather than burdening the state with insurmountable obstacles, these shifts pose both challenge and opportunity. Our best resource for meeting these demands is students well-trained in the values of democracy with a thorough understanding of the foundations of our government and the principles of federalism.

While study of the national government is traditional in California, the public school curriculum for the study of federalism fails to examine thoroughly specific reserved powers, the relationship of federal and state governments, and the role of state government itself. The U.S. Constitution established a federal system in which people are governed both by the central or federal government and a state government. Both

federal and state governments derive their power from the people who retain ultimate authority or sovereignty. Article VI Section 2 establishes the Constitution and treaties made under the authority of the United States as the "supreme law of the land." Under the Constitution and within the federal system, the people have delegated certain powers to the federal government, others to the states, and have reserved still other powers to themselves.

Under the Articles of Confederation which preceded the Constitution, the central government had to rely upon the states to raise taxes because it could not act upon the people directly. A major change enacted by the Constitution was giving the central government the power to affect the people directly through taxation, law-making and the enforcement power of the courts. Even so, it is the state government whose decisions the people feel most directly through laws concerning property, contracts, families, and crime.

While complex, our system of government has proven itself to be both strong and flexible enough to serve the needs of our citizens for over two hundred years. Yet the idea of popular sovereignty, that government rests upon the will of the people, implies that our people must be fully informed about the workings of government and the doings of its leaders, and that they must participate both through voting and community service to preserve the blessings of our democracy for future generations.

The role of teachers in stimulating young people to fulfill their potential as citizens is essential. To grow in citizenship skill, young people need the answers to these questions: What is government like in California? What are the powers and responsibilities of state government? How do state and county government interact? What other governmental entities are there and what is their role? How are decisions made? Who are the key players? What are their privileges and responsibilities? What are the rights and obligations of individuals within the system?

The purpose of this booklet is to clarify the role of the state government and to improve students' understanding of the democratic process through their acquisition of knowledge, skills and attitudes. To accomplish these goals, we have provided tools to help students inform themselves about:

- Current economic, demographic, agricultural, industrial, and political conditions
- Implications of the forces for change
- Governmental structures
- Issues directly affecting young people
- Procedures to make government responsive to the needs of the people

Because we believe that the most effective learning is experiential and that the very nature of government is action, each chapter includes activities used successfully by California teachers in the classroom.

We urge you to make full use of this booklet so that we in California may in turn make

full use of our most precious resource: the creativity and ingenuity of active citizens, informed about the workings of government, committed to preserving democratic freedoms for themselves and all others, and willing to devote time, energy, and money to the service of their communities.

This publication is a cooperative project of *California Journal* and the California Council for the Social Studies (CCSS). Published by the *California Journal*, "Understanding California Government" is distributed by CCSS to members throughout the state to provide materials and resources for teachers of high school state government.

Each chapter includes a narrative summary, a reading from primary sources and other supplementary materials which stimulate thought and discussion, topics for student research, and activities for the classroom. A glossary of terms follows on page 79.

Developed by teachers, the activities have been tested in classrooms and found to arouse student interest and to encourage individual participation. These activities serve as a starting point for involving students in the study of government. Teachers may want to incorporate these lessons into their existing curriculum and to augment them as well.



CHAPTER 1

The Special Challenges of Governing California

In just two lines the catchy folk song sums up both California's past and present. The whisper, "There's gold in them thar hills," became a shout which echoed from west coast to east and around the world in 1849 to begin one of the greatest migrations in history¹, one that has lasted almost 150 years. The allure of individual freedom and economic prosperity beckons all comers today just as in 1849. With the population booming at four crucial periods in the state's history, the average growth each year since 1960 has been 400,000 until 1989 when 2000 people per day began to move here.² In the fifty years from 1980 to 2030, the population is projected nearly to double from 23,608,000 to 42,665,000 and more.³ Everybody, it would seem, wants to live in California. Just what is it that makes our state so desirable?

To answer this question and to begin to understand how the peoples of California today and in the future will be affected, we must first consider the characteristics which make any area an appealing place. If the terrain, climate and natural resources are such that any or all of the four basic industries — fishing, mining, agriculture, and forestry — can flourish, then the inhabitants cannot only live, but thrive and prosper. If the climate is harsh with long, cold winters, or blistering, parched summers, farmers will not be able to grow sufficient crops to feed the population. A mountainous terrain lacking rich deposits of ore will prevent farming and livestock production without providing a substitute support. Without an ocean port and inland fresh-water lakes, a nation cannot depend on fishery to survive. America as a whole has a mild climate; a terrain suitable for farming and ranching; forests providing a wealth of logging and building materials; long coastlines with deep-water harbors as well as

interior lakes, rivers, and streams; and a variety of natural resources which can support not only its own population but that of other nations as well. The state of California possesses these benefits in abundance.

From the mountain ranges of the Sierra Nevada, the Coastal Range and the Tehachapis, mining operations retrieve not just gold but copper, lead, zinc, silver, tungsten, iron ore, molybdenum, lead, and platinum. The deserts offer borax, iron, salt, clay, and lead. Under the flat valleys are gypsum, petroleum, and natural gas.

Mountain snows collect in reservoirs in the North and drain into the Sacramento, American, and San Joaquin Rivers. A system of canals distributes this water to dry regions of the state. Irrigation has made possible the farming of arid, formerly useless land in the Central and Imperial Valleys as well as the explosive growth of Los Angeles and its suburbs. The long summers, cool nights, and the mild rainy winters make California's central and coastal valleys ideal for raising grapes and other fruits and nuts. The flat valleys and grassy foothills of the mountain ranges support the state's two largest farm industries: dairy and livestock production. Wheat, cotton, alfalfa, potatoes, and tomatoes are other major crops. With irrigation and railroads farmers are able to send perishable fruits and vegetables to Midwest and East Coast markets. Along the coast fishermen harvest salmon, crabs, flounder, mackerel, abalone, tuna, and sardines.

Beyond the basic industries, shipbuilding, electronics, air and spacecraft, printing and publishing, food processing, clothing, chemical, and oil refining provide jobs and a strong and varied **economic base** for California's major cities. Within the last two decades, talent produced and attracted by California's great universities made the Silicon Valley around

Santa Clara a center for the computer and high-technology industries. Finally, no discussion of California would be complete without mentioning how the glitter of the film industry has made the state itself a star.

The Great Population Booms

Millions of people who find California a desirable place to live came here in one of several great population booms. The first occurred after the discovery of gold at Coloma in late 1848 when San Francisco's population swelled from 800 in 1848 to 25,000 in 1850. The opening of the transcontinental railroad in 1869 brought 700,000 passengers a year to California. Attractive to European merchants like clothing-maker Levi Strauss from Germany, Domingo Ghirardelli, the chocolate maker from Italy, and shopkeeper Isaac Magnin, San Francisco was known as the "Paris of the West" and a major distribution center.⁴ Within a few years, Los Angeles, long San Francisco's stepsister, became interesting to new arrivals. By 1890 Southern California's population increased from 64,371 in 1880 to 201,532.⁵

Mass production of the automobile in the twenties and thirties led to a third wave of immigration as people fled the drought and Dust Bowls of the Midwest and Southwest and sought jobs in California. The fourth era of immigration began after World War II upon completion of the expansion of the Metropolitan Water District of Los Angeles allowing building of new towns with large tracts of suburban homes.

The Split State Movement

Along with California's growth have come growing pains. Even while the Mexican governors ruled the state, suspicions and hostility existed between North and South. The governors were considered to be arrogant and were disliked.⁶ "Rebellions, uprising, conspiracies, and intrigues colored the entire Mexican era in California, from the time of liberation from Spain in 1821 to the American conquest in 1847."⁷ The Californians quarreled among themselves with a tug-of-war between Northerners and Southerners over locating the capital in Monterey or San Diego.⁸

The conflict between North and South continued after statehood as the native Californians resisted the property tax system with which the United States had traditionally supported its government bureaucracies. After their efforts to separate South from North failed and unaccustomed to paying taxes in cash, many of the **Californios** lost their property.⁹

During and after the Gold Rush, attention, prosperity, and growth centered around the North and

San Francisco with the Los Angeles area largely ignored. It was not until construction of the Transcontinental Railroad in 1869 that Los Angeles' star began to rise. The farmers from the Midwest saw the potential in the vast flat lands for agricultural production, if only they could get water. Thus struggles over water which had to be diverted from the northern rivers, and the risk of pollution to the Sacramento and San Joaquin River Delta and ultimately to San Francisco Bay added to early conflicts between Northerners and Southerners over taxation and railroads. After population in the South outstripped that of the North in the 1920s, Southern legislators were able to pass measures which supported the building of water projects, creating animosity in the North and leading to further calls for dividing the state into two Californias.

Conclusion

The decade of the 1990s does find California "right back where it started from." Although the clamor for a split state has not been particularly loud recently, California continues to experience growth as hundreds of thousands move here each year. This immigration places great demands upon the economy for jobs and housing and upon state and local governments for services like roads, sewers, and education. Whether our society will be able to sustain this growth and prosper will depend upon the commitment and ingenuity of its citizens in finding solutions for the challenges which beset this state.

For Further Discussion and Research

Determine from where, when, and why your family moved to California. What did California offer that your home state lacked? What were the economic conditions in your home? What has been the history of your family in California? Talk to your parents about whether or not their dreams and expectations have been fulfilled here. Would they return if money were not a factor? Why or why not?

Research the economic base of either your home or an area of California which particularly interests you. What job opportunities exist for a young person who likes this area and does not want to leave? Talk to a local official to find out if the economic base is diversified. If not, find out what plans there are to attract more industries to this region? What are the advantages of living there? The disadvantages? What opportunities are there for young people to make a contribution to their communities? What positions and service opportunities are interesting to you? Why?

Invite speakers from the local university extension, farm bureau, and local Chamber of Commerce to speak to your class on issues and challenges which are facing your area now and in the next ten to twenty years. After listening to them speak, suggest how these challenges offer opportunities for you and your classmates.

Research the history of the split state movement in more detail. Analyze how dividing the state would

affect government services and jobs in your region.

After you have completed your unit on state government, you will be asked to re-read this introduction and to write an essay predicting what life will be like in California in the 21st century. At this time begin collecting quotations, illustrations, statistics, and/or references from newspapers, magazines, almanacs, or videos from TV programs. Plan to meet in groups to share your conclusions and to select the best ideas to present to the whole class.

Readings and Supplementary Materials

California's Future: Challenge or Opportunity

Based on the Writings of Dan Walters

California is rapidly changing. In *The New California* Dan Walters describes the population changes occurring as more and more ethnically diverse people choose California as their home. These cultures bring people of many different languages, customs, politics, and needs for social services as well as the opportunity for major contributions to our society. Economic changes evolve as businesses move from expensive and congested Los Angeles and San Francisco to suburbs, creating the potential for conflict or adaptation and integration. Industries directly dependent on natural resources such as lumber and cattle-ranching, decline, leaving the Northeast section of the state with a worsening outlook for job and economic growth. As in the rest of the nation, the need for producing more jobs to employ, feed, shelter, and clothe new and old alike strains our environment.

The solutions to these problems require more specialized, technical, and better educated workers. Yet demands for stricter requirements for school graduation coupled with budget restraints imposed by Proposition 13 and the Gann Spending Limit "do nothing for"¹⁰ minority and high-risk students who are dropping out of school at record rates. Drop-outs

or push-outs cost the nation at least six times the expense for their education in welfare and loss of productive jobs.¹¹ In addition to the deterioration of both school buildings and the quality of education, the very **infrastructure** of the state is in danger of being neglected. The expansion and repair of transportation, sewers, water lines, housing, and educational facilities are necessary to cope with the demands of an ever-larger population.

Three Goes Into Two Only at a Price

California may be moving toward a "**two-tiered**" society, to becoming a state of **haves and have-nots**, losing its **middle class**. The **egalitarian** ideals of our democracy's founders may give way to an elitism based on wealth gained from intellectual accomplishment and work, the Puritan ideal carried ironically to its extreme. Contrasting with the bright and shining future awaiting the achieving is the possibility that a large mass of dreamless people will subsist on low-paying service jobs or will not be employed at all.

A two-tiered society, Walters believes, will make us vulnerable to an crippling shortage of

trained labor by the early part of the next century and to "Beirutization," a society polarized by violence. As evidence, Walters mentions the freeway murders of 1987 in Los Angeles.

Private Sector Solutions Provide Band-Aid, Not Cure

De-facto alliances or coalitions of business and local government, recommended by the Reagan administration to compensate for decreased federal support, have succeeded in Orange County and Santa Clara County in preventing economic **inertia**. Other counties impose developer's fees to pay for building schools, roads, and sewers.

Such solutions, however, work only in counties with growing economies. The populations remaining in the northeastern region are experiencing loss of services like libraries and hospitals, as the decline of jobs causes the local tax base to wither away.

Legislature Abstains on Opportunities for Leadership

The answers to questions about these and similar issues have traditionally been decided by the state Legislature. In the 1940s, the Legislature led the way in establishing the extensive university and college system, the complex of free highways, and the aqueducts transporting water to southern California.

Several factors hamper the political leaders today. Of primary importance are the budget restraints applied in the wake of Proposition 13 in 1978 and the Gann Spending Limit. Given the clear statement of the electorate, the governor and legislature have been reluctant to defy the spending limit or to call for higher taxes. The difficulty is that the electorate is not truly representative of the state's population. Registered voters tend to be upper-income Anglos, Asians, and some blacks and Hispanics who tend to vote Republican. Lower income people are less likely to vote. The **agenda** of lower taxes and thus fewer services most favored by the actual voters does not come to terms with the population changes the state

is undergoing. Are representatives responsible to the people who elected them or to all residents, whether voting citizens or not, of the state?

Democrats, who have historically spoken for workers, face the dilemma of moving to the center politically and abandoning issues important to large numbers of their people or of antagonizing the middle-and upper-income voters. Lacking traditional incentives of patronage jobs, status, or programs available in other states, the Democrats have proposed neither solutions nor alternatives. Indeed, the Democrats retained control of the Legislature at least until 1990 because of gerrymandering and voter registration laws allowing non-registered voters to remain on the rolls, creating a false picture of party affiliation.

Finally, many people believe that the increased numbers of **initiatives** on the ballot, partisan conflict and buck-passing, and continuing rumors of political corruption due to the Legislature's full-time status and dependence upon campaign contributions are further evidence of the Legislature's inability to act effectively.

The Challenge

Given the complex changes intensifying daily, the challenge for Californians then is to design a destiny for our state which fulfills the ideals of our American democracy and which offers the greatest opportunities and benefits over the long run for our citizens. While Walters is gloomy about California's future, others sound the alarm but seem brighter. A senior economist with the Center for Continuing Study of the California Economy, Stephen Levy, sees a "dynamite" 21st century, but warns of the risks in failing to maintain the infrastructure.¹² Demographers Bouvier and Martin compare the decisions of today with the "crucial decades" at the end of the Mexican War in the 1840s with adjustment to demographic changes and their repercussions as being the central issue.¹³ In the near future, Californians will need to seek ways to make opportunities out of these problems.

Lesson Plan and Activities

Government in Action

OBJECTIVES

- To expand student familiarity with representative democracy in action
- To provide students with an opportunity to become active participants in the governmental process
- To stimulate student interest in government

NOTES TO THE TEACHER

This lesson requires students to learn by watching the representative democracy process in action. Classroom time and four-five hours per student of outside time are needed for this lesson.

There are opportunities for students to observe the democratic process all around us. *Handout 1* provides some examples of activities that allow students to see the everyday workings of local, state or federal government. Teachers should encourage students to become involved in all levels of government.

Teachers may find this activity useful in the teaching of state and local government, especially in topic areas related to citizenship, politics of American democracy, branches of the government, policy development and the administration of law.

PROCEDURES

1. During class time, have students identify and list all of the opportunities that exist for them to observe the everyday workings of government and or the political process. Distribute *Handout 1* for students to use as a check system. The daily newspaper may be helpful in finding examples.

2. In small groups, have students discuss their lists and decide by consensus which meeting agency event they will observe. Students may wish to observe in groups or individually.

3. With the class, brainstorm a checklist for students to use in conducting observations, i.e., what to watch for, what to ask, etc.

4. To encourage writing and communication skills, have students write or call to obtain specific information and or to schedule appointments.

5. Have students conduct their observations. Schedule class time for oral and or written reports.

6. Teachers should complete the lesson by leading a discussion on the value of the observations and whether or not the process stimulated student interest in government and the increased likelihood of further participation.

7. If appropriate, conduct a discussion of the similarities and differences of local, state and federal government.

EVALUATION

Teachers may wish to recommend that students prepare a report on their observations using the checklist developed in class as a guide. Note taking, oral and written reporting and chart making skills can also be built into this activity.

HANDOUT 1

Government in Action

Opportunities to observe and participate in our representative democracy are available in every community. Listed below are ways for you to learn more about the workings of government.

A. Observations and Visitations

1. Visit your county courthouse. Observe jury selection, trials, arraignments, traffic court and courthouse security.
2. Visit the State Capitol during a legislative session. Observe committee hearings on a subject that interests you.
3. Attend a county board of supervisors meeting to see local issues decided.
4. Attend a city council meeting to see city government in action.
5. Attend a local school board meeting to observe policy being made in your school district.
6. Visit the district office of your U.S. Representative in Congress, your state Assembly Member or state Senator to discuss the duties and functions of that office.
7. Visit a state or county public agency or special district to determine how it relates to other levels of government.

B. Classroom Activities

1. Arrange a speaker for your class on an issue of current political interest. Ask a Republican to speak one day, a Democrat the next, and an Independent or third party representative (such as the Peace and Freedom Party) to speak on the third. Contact the speaker, set a date, and obtain information from the speaker so that you can properly introduce him/her to your class. Arrange to meet the guest at a central location in your school and walk him/her to your class. Moderate a question and answer period. Don't forget to write a thank you note!
2. Write to two or more of your elected state representatives to discuss a problem, issue or pending bill. Be sure to ask for a response. Compare their answers and report back to your class.
3. Make a chart or poster for your class. Suggested topics: methods of political propaganda; comparisons of Democrat and Republican views on the major issues of the day; candidates running for office; depictions of the electoral count of each state's major ballot propositions;

C. Planning Your Observation

1. Briefly describe your planned observation; please indicate the level of government.

2. Contact Person:

Name _____

Address _____

Phone _____

3. Date & Time:

4. Location of Meeting Visit:

D. Activities for Further Involvement

1. If you are 18 or over, register to vote. If you are 18 on or before election day, call your county's voter registrar and ask to work in your precinct's polling place on election day. Workers are paid by the county.

2. Set up a registration table at your high school to provide students with voter registration forms. Prepare a chart to explain the goals and philosophies of the major political parties.

3. Volunteer your time to the local Democratic or Republican party headquarters. In a campaign year they especially need your help. There are envelopes to stuff, registered voters to call, precincts to walk and signs to set up.

4. Become involved in a government-oriented extracurricular program such as Capitol Focus, History Day, Mock Trial, Junior Statesmen of America, Boy's/Girl's State.

5. Call a local law school and ask to have your name listed as a volunteer jury member for the next mock trial.

6. If your school has a mock trial team, ask the teacher coach if you can become a member. Jury and team members are needed yearly. If your school does not have a team, use your persuasion skills to organize one!

7. Adopt-an-official by calling or writing to arrange to "shadow" a local state official in his/her daily activities. If this cannot be arranged, ask to shadow one of the members of the staff.

CHAPTER II

The Structure of California Government

To best understand California state government, let us look briefly at the Constitution of the United States as well as that of the state and the principles of democracy upon which both are founded.

Federalism

Our nation's **democracy** is based on a concept, radical in its time, that the power of a government rests upon the consent of the governed, **popular sovereignty**. Through voting in elections and participation in governing bodies, the citizens of our country choose leaders and grant permission to them to make decisions affecting the nation as a whole.

Fearful that delegating too much power to the central government would create the same potential for problems of tyranny, religious persecution, and unfair taxation which had led them to revolt against England, the 55 delegates from the states meeting in Philadelphia in the summer of 1787 to frame our Constitution sought a new way to structure their government.

The framers' solution to the problem of one branch of government's obtaining too much power was a very complicated system with three branches: the **executive**, the **legislative** with two houses differing in roles and terms of election, and the **judicial**. The framers established **checks and balances** by requiring that laws be initiated in one of the two legislative bodies and approved by the other, next passed to the executive for final signature or **veto**, and finally subjected — if questioned — to review by the judiciary. This plan added **consensus** of the governing to the consent of the governed. By separating powers the framers prevented any one branch from

obtaining and exercising too much control.

Still concerned about the risks of awarding too much power to any one group, the framers reserved further powers to a second level of government — the states — a structure known as **federalism**. To the central or federal government, the framers gave the responsibility for decisions about laws, trade between the states (interstate commerce), relations with other countries, the nation's defense, and taxes. The states make laws which affect people in their daily lives: property law, contract law, family law, and criminal law.¹⁴ States can also levy taxes.

The fundamental concepts of popular sovereignty, separation of powers, checks and balances, and reserved powers are the cornerstone for our state government. Like the federal government California's Constitution retained the principle of separation of powers and established three branches: executive, legislative and judicial. As we shall see, there are, however, important differences between the federal and California's government.

Two more levels of government exist here. Cities and counties make planning decisions related to growth and zoning, solve local problems, and determine how to spend money granted by the state. Usually within and across the counties exist other governing entities. In California, elected officials oversee cities, school districts, community college districts, law enforcement, education, and special districts which provide fire protection, water delivery, and sewage treatment. Local Agency Formation Commissions and regional governments have been emerging to improve communication and coordination among all these governments.

In California, because of Proposition 13 and

shifts in levying taxes, the state government has been the most powerful of the governmental bodies through its control of the budget. A trend may be developing, however, through which the Legislature is relinquishing its power to make decisions to the people who vote on initiatives and proposed constitutional amendments.

State Constitution

Established in Monterey in 1849 just after the United States won California in the Mexican War, revised in 1879, and taking up three times the number of pages as the United States Constitution upon which it is based, the California Constitution contains 21 articles. These describe the bill of rights, the powers of various branches of government and basic state law in such fields as education, local government, corporations, taxation, water, harbor frontages, state debt, homesteading, motor vehicles, civil service, open space, public housing, and crime. Because its duties are described in such detail, the Legislature's powers are relatively more limited than those of Congress.

Changing State Government By Constitutional Amendment

California's Constitution can only be amended by vote of the electorate. There are three ways in which amendments may be placed on the ballot.

Legislative proposal. With a two-thirds majority, the Legislature may place proposed amendments on the ballot without the approval of the governor. Every year, a small number of proposals of the many introduced into the Legislature receive the necessary vote to be placed on the ballot for the electorate.

Convention. If two-thirds of the membership of both houses agree, then the Legislature may call a convention consisting of representatives of districts as nearly equal as possible. This has not been done since 1878.

Initiative. The third method of amending the constitution is through initiative, a process which sets California apart from the federal and most other state governments. Through the power of initiative, the state Constitution guarantees the electorate the right to make basic decisions.

With the required number of signatures, the governor or special-interest groups may place state or local measures on the ballot. This technique has been used when **proponents** of a measure have failed to persuade the Legislature to do what they want. Eight percent of the votes cast in the last **gubernatorial** election (595,479 signatures since 1986) are needed for a constitutional initiative and

five percent (372,175) are required for a statutory initiative.

Legislators, governors and special interest groups have often chosen to put issues to the people in recent years instead of making the decisions in the Legislature. One consequence of the efforts by Howard Jarvis and Paul Gann to pass Proposition 13 was the discovery that thousands of people would donate money to support political causes. "Today a powerful and sophisticated initiative industry has developed: signature-gathering firms, pollsters, political lawyers, and campaign management firms specializing in the qualifying and passing of ballot measures."¹⁵ As a result the power of California voters and the initiative industry have increased considerably.

A fourth force for change is the Constitutional Revision Commission, whose recommendations have been strictly advisory to the Legislature. Rather than call a constitutional convention by a two-thirds vote of both houses, the Legislature chose to form a revision commission when the question of changing the Constitution arose in 1963. A commission was formed because legislators feared conflict and thought a commission would be easier to control.¹⁶

The Constitutional Revision Commission disbanded at the end of 1970 after some successes, notably raising legislators' salaries from \$6,000 to \$16,000 and giving the Legislature much more freedom. Although there were some failures, the commission managed to streamline the constitution somewhat. Other proposals were submitted to the voters later.

Changing State and Local Laws and Officials

Two other provisions of the Constitution allow citizens to participate in government. **Referendum** is a process which can be used to block state **statutes** or local **ordinances** pending a popular vote on the issue. Although not used often, the threat of referendum has been sufficient to block legislation. Through the referendum procedure, the Peripheral Canal and three reapportionment plans were placed on the state ballot in 1982. Since a referendum cannot be used to stop **urgency** bills, emergency measures require a two-thirds vote rather than a simple majority in the Legislature.

Never used in state elections, petitions to remove a public official through a **recall** election are common in local government.

Judiciary

The judiciary may be the most powerful of the

three formal branches of government because the Constitution is so specific and because the Supreme Court has the power to strike down acts of the Legislature in conflict with state and federal laws. California's Supreme Court has led the nation with decisions that have eliminated the death penalty, now reinstated by initiative, led to greater equity in state financing of public education through the Serrano-Priest decision, and invalidated an anti-fair housing initiative approved by the electorate. Strong chief justices have been Phil Gibson, Roger Traynor and Donald Wright.

Governor and Executive Branch

Of the three branches of government in California, the executive is the weakest. In other states and in the federal government, the chief executive has the power of appointment to **boards** and commissions. Not so in California. Except for a few top policy posts, these positions are filled through the civil service system.

The governor does have the opportunity for leadership through suggesting a legislative program or bills in his "state-of-the-state" message and through proposing the state budget. But the Legislature has the power to alter details. The governor's **line-item** vetoes, a power so important as to be sought by Presidents, can be overridden by two-thirds vote of the Senate and Assembly. Even so, vetoes are rarely overridden.

The governor is the ceremonial head of state and serves as president of the University of California Board of Regents and the State University and Colleges Board of Trustees, as unofficial leader of his party, and as the head of most of the administrative agencies through his subordinate appointees.

While governors are elected for four-year terms with no limit on the number, only Earl Warren has served more than two terms. Strong governors of California have been Hiram Johnson and Earl Warren. Recent governors have been Ronald Reagan, Edmund G. Brown, Jr. and George Deukmejian.

Legislature

California's Legislature is similar to Congress and legislative bodies in other states in overall power and structure. As the policy-making branch of government, the Legislature is limited only by the federal and state constitutions and the governor's power of veto. Like Congress, the Legislature can investigate almost any issue of public concern and impeach public officials. It also can ratify amendments to the United States Constitution. In the last few years, the Legislature has appropriated unto itself much of the

power to appoint members of commissions originally reserved to the governor.

The Legislature is divided into two houses, the Assembly and the Senate, with representation apportioned according to population. Members of the 80-seat Assembly serve two-year terms and the 40-seat Senate four-year terms with half expiring every two years.

The two houses are organized differently. In the Assembly, the Speaker, elected by 41 votes, wields the most power through his right to appoint committee chairpeople and members. Of the Assembly committees the most important is the Ways and Means Committee. It controls **fiscal measures** because no bill with financial implications can go to the floor for a vote without approval by Ways and Means.

Power in the Senate is more dispersed. The president of the Senate, who is the lieutenant governor, has almost no power. Like the vice president of the United States, he is entitled to cast the deciding vote in case of ties.

The real power to appoint committee members and to assign bills to committee lies with the Rules Committee. This five-member committee consists of a chairman — the president pro tempore elected by a simple majority of his colleagues — and two members from each political party.

Like the Assembly, the other powerful committees control fiscal affairs. The Budget and Fiscal Review Committee handles the budget. The Appropriations Committee hears any other bills with direct or implied state cost. Thus, the Appropriations Committee can kill almost any major bill.

Types of Legislation

"There are three basic types of legislation: bills, constitutional amendments, and resolutions. These measures can only be introduced by legislators and committees. The governor cannot introduce a bill, but he can ask a friendly member to do it for him. Even the governor's budget carries the name of a lawmaker."¹⁷ Ideas for bills come from "special-interest groups, staff members, **constituents**, government officials," and other sources. Bills "can be enacted by a simple majority vote in both houses unless it is an urgency measure or carries an appropriation, in which case a two-thirds vote of approval is required."¹⁸

Resolutions are merely statements of legislative viewpoint. They may be addressed to other governmental agencies, describe state general policy, or commend or memorialize someone. They are normally passed by voice vote. Constitutional amend-

ments and resolutions, unlike bills, are not subject to gubernatorial veto.¹⁹

Budget Process

The process of determining the state's spending begins on January 10th each year when the governor is required to present a budget, an estimate of expenditures and revenues for the fiscal year starting on July 1st. The Senate's Budget and Fiscal Review Committee and the Assembly's Ways and Means Committee examine the items in detail to see which should be increased, reduced, or eliminated.

Once the budget is approved by committee, it is sent to the floor of that house to be voted upon by the entire body. It doesn't matter which house enacts the budget first. Upon approval, the budget is sent to the other house for changes. Usually, the second chamber's changes are rejected by the first, causing the budget to be sent to a joint committee composed of members from both.

The law requires that the governor receive the budget by June 15th but the conference committee compromise often takes longer, with final adoption occurring later in the summer.

While the Legislature can make whatever changes in the budget it wishes, the governor has only two choices. He can reject the entire budget and send it back to the Legislature for revision, or he can exercise what is called a "blue-pencil" or "line-item veto," reducing or eliminating expenditures line-by-line. This is usually what happens if the governor thinks expenses are too high.

The Legislature can make no appropriations, that is spend no money, before the budget is enacted. In emergencies the governor can approve an appropriation by letter. After the budget has been passed, the Legislature sends the governor many appropriations bills to be accepted, reduced, or cut entirely.

Neither the state nor a local governmental agency may incur a **general-obligation** debt without first holding a **bond** election. (**Revenue bonds** can be sold without such approval.) At the state level, a simple majority allows sale of bonds to raise money for higher-education construction, park acquisition and development, and other purposes. At the local level, a two-thirds majority is necessary to sell even school bonds. Californians fund government services through a variety of other taxes. As do residents in other large states, individual Californians pay personal income, sales, fuel, vehicle registration, license, regulatory, and investment taxes. Corporations and banks are taxed as well.

Elections

If you are 18, a citizen of the United States, and a

resident of the county of registration at least 30 days before the election and have not been disqualified by having been convicted of certain **felonies**, you may register to vote in California. State primaries are in June, the general election in November. Special and local elections occur at different times throughout the year.

Local Government

California is noted for its long ballots for elections. One reason that Californians have so many decisions to make is that most people live within half-a-dozen or more units of local government. Counties are managed by boards of supervisors elected from districts by the public. Other directly elected officials are the district attorney, the sheriff, and the assessor, who values property for purposes of levying taxes.

Cities operate under one of three systems, all containing a council of elected officials. The most common is a mayor who is the ceremonial head of the government with an **administrator** or manager who, as an employee, plays a major role in both policy and in making day-to-day decisions. Occasionally, a strong mayor may play a larger role by force of a dominant personality. One arrangement, not widely used, is a mayor who also is administrative head of the city.

Special districts are led by a superintendent, general manager or other executive selected by the governing board.

Summary

While similar to the federal government in maintaining popular sovereignty, a balance of powers, and checks and balances, the California Constitution also contains important differences. Chief among these are initiative, referendum, recall, and the governor's line-item veto. With the exception of his veto, the governor retains less power than the national executive or those in other states. While the Legislature attained more power of funding through Proposition 13 and the Gann Spending Limit, current trends indicate that the Legislature is unwilling to make controversial decisions and appears to be relinquishing its power to the people who must decide between various opposing propositions at the ballot box.

For Further Discussion and Research

To clarify federalism, students can collect newspaper clippings on state and federal governments and the three branches of each. For a minimum of four articles, students should determine whether the article is about state or federal govern-

ment, which branch, and what function (to protect, to provide, or to regulate) government is serving.

The division of powers between state and federal government offers other advantages besides providing checks and balances. Explain. How do other countries handle these problems? Choose one European and one Third World nation, then compare and contrast. On the basis of what you have learned, which country's division of power works best? (Be sure to define what you mean by best.) What have we to learn from other countries?

Research the history of the state constitution. How has it evolved? What were the forces and issues which affected its formulation? Compare the U.S. and California constitutions.

In cooperative learning groups, analyze newspaper articles about the judiciary and court cases. Articles should include cases appearing before the U.S. Supreme Court, the California Supreme Court, the District Court of Appeal, the Superior Court, and the Municipal Justice Court. About each article, students must explain:

- What court is dealing with this case?
- Why this case is appropriate to this court?
- What court would hear the appeal if this case

were contested?

Share answers with the class to check for accuracy and to promote discussion.

Research the history of one of the issues presented to California voters through the initiative process. Examples are Proposition 13 and the Gann Spending Limit, the death penalty, election of Supreme Court judges, gun control, automobile insurance costs, and increased taxes on cigarettes. What were conditions before the amendment was passed? What have been the consequences for state and local government, voters and business? Talk to people with different points of view and include their reactions in your report.

The major campaign for Proposition 13 was the first time fundraising had been associated with gathering signatures for initiatives. In a cooperative learning group, discuss the pros and cons of the initiative industry on the basis of the issue you have researched; support or oppose the argument that initiative, referendum and recall are basic and vital elements of a democracy; and support or oppose the statement that initiative, referendum and recall should be included in the U.S. Constitution. Write an essay explaining your conclusions on one of these topics.

Readings and Supplementary Materials

Reprinted from California Journal April 1988

Proposition 13, ten years later

By Rebecca LaVally

Paul Gann believes he kept hundreds of thousands of homeowners from sinking under the burden of crushing property taxes when he steered Proposition 13 into the California Constitution back in 1978.

Comparing himself to the captain of the *Titanic*, Martin Nichols believes Gann and his unlikely partner, Howard Jarvis, hit him broadside with a torpedo.

Theirs is a debate that still rages undecided in this 10th anniversary year of the nation's modern tax-cutting revolution launched by California voters who were as angry at their political leaders as they were at their tax bills.

Nichols, the Butte County administrator, says the decimation of local government budgets that followed Proposition 13's passage has forced his county to seriously consider abolishing itself, turning its functions over to specialized community service districts with more financial flexibility.

"If Butte County is the *Titanic* and it's sinking — and our

bow is slipping below the waves — then we're talking about taking the various functions of government and putting them in separate lifeboats," he says.

Gann has heard such complaints since his initiative passed on June 6, 1978, and remains as unmoved as ever.

"I'm very proud to have been part of Proposition 13," he said in a recent interview. "I think the thing we were trying to say was, number one, to make it possible for people to retain their homes. Number two, was that we want less government, not more government."

"Death and taxes are inevitable," was the belligerent battle cry of Jarvis, who died in 1986 at age 83. "But being taxed to death is not inevitable."

The Jarvis-Gann initiative handed voters the welcomed power to slash their own property tax bills by 57 percent, igniting a tax rebellion that caught fire across the land. Just as historic, it sparked an electoral revolution as dozens of privately drafted measures followed its path to the ballot. It transformed the initiative process from a rusty and forgotten contraption into a sleek and potent weapon, smashing the

Continued on next page

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Legislature's grip on the state's laws and Constitution.

Proposition 13 did inflict a certain amount of pain by siphoning billions of dollars out of the coffers that pay for public health, safety and education — but that was sweetly numbed by the private benefits to millions of pocketbooks. Its passage bestowed security on those whose homes and savings had been threatened by skyrocketing tax bills.

Its offspring, a government spending limit approved by voters in 1979, produced a late-blooming prize: last year's Christmas tax rebate of \$1.1 billion.

The upheaval predicted by Proposition 13's many foes took years to unfold in slow-motion drama, although 100,000 public jobs evaporated during the year following its passage. Even today, the public payroll in Los Angeles is 4000 paychecks smaller than it was before the initiative.

An embarrassing multibillion-dollar state surplus helped goad taxpayers into embracing Proposition 13, then helped bail out the schools, cities and counties that instantly lost nearly \$7 billion in property tax revenue when it passed.

Today, big surpluses are gone and schools compete with other government programs for state dollars. School boards are imposing controversial fees on new homes to pay for more classrooms. School districts, which once could raise property taxes to generate income, now plead with taxpayers to donate their rebate checks. Extras, like new lab equipment, depend on the whims of a lottery. Per-pupil spending is 22nd in the nation. Classroom size tops the 50 states.

Crimped by the spending limit, the state's highway fund — wellspring of the world's most modern and extensive freeway system — faces a multibillion-dollar shortfall as congestion clogs its aging arteries. Per-capita highway spending now is lowest in the nation.

Local governments have tried new ways of stretching dollars: contracting with the YMCA for city recreation services in Corcoran, replacing worn pavement with gravel in Humboldt County, attempting to persuade reluctant voters to accept a casino in Rio Vista.

Then there are the tried-and-true methods of finding money: raising fees and local taxes on anything from trash pickups to hotel rooms. In the burgeoning communities of Orange County, fees for land development soared 219 percent between 1975 and 1983.

In a final whack at the government leaders Jarvis relished battling, his last initiative, enacted in November 1986 a few months after his death, makes it more difficult still for cities to raise taxes.

Even the teeming financial hub of San Francisco faced a \$77 million shortfall in its new budget. But the fiscal squeeze is felt most acutely in sparsely populated counties with little growth to yield new tax revenue and fewer legislators to battle dominant urban areas for Sacramento treasury dollars.

Counties are required by law to run health and welfare programs, courts and jails — and cannot always control costs by merely adjusting the ledger books. Before Proposition 13, counties spent about 30 percent of their budgets on "discretionary" items such as libraries, parks and roads. Now, says Larry Naake of the County Supervisors Association of California, the figure is less than 5 percent.

Libraries were boarded up last fall in Shasta and Tehama counties. Shasta County supervisors closed their 73-bed general hospital, the only public hospital serving several rural counties. John Sims, administrative assistant to Tehama supervisors, says the county may simply shut down for a time in June when it runs out of money.

"I hate to see libraries close and nobody cares for a good education more than I do," says Gann. "But ... there comes a time when the people who create an obligation have to be as

responsible as the people who are forced to pay off the obligation."

In hindsight, Gann says his initiative contained a troublesome flaw: Californians who changed homes after its passage are forced to pay higher property taxes than neighbors who have stayed put. Now, after 10 years, some homeowners are paying more than double the taxes of those on the same street.

"My only regret is there isn't some way, and I keep looking for a way, that we can adjust this thing so my neighbor doesn't pay more property tax ... than I pay," says Gann.

Conservative Assemblyman Ross Johnson, Republican from Fullerton, proposes rolling back the taxes of those who have bought homes since Proposition 13, at a cost to government of \$1.5 billion.

But even without tinkering, Proposition 13 today is saving California homeowners and commercial property taxpayers a whopping \$15 billion a year.

Not since the Boston Tea Party had Americans rebelled as forcefully against taxes as Californians did when they swarmed to the polls to slash their property tax bills by more than half — against the advice of nearly every leading political figure on the horizon.

The Joint Legislative Budget Committee recently called Proposition 13 "the single most significant change made in the way governments, at all levels, operate in California."

"Ten years ago this coming June," it said, "the voters of California turned the fiscal system of their state upside down."

Proposition 13's tenets were simple and appealing. It rolled back assessments to 1975-76 market values, set the tax rate at 1 percent of value and then clamped a 2 percent lid on yearly assessment increases until property was sold.

Its overwhelming passage shook the state's political establishment to its core. Such tax slashing seemed uncharacteristic of Californians, with their premier public schools, their renowned, tuition-free universities and their vast, toll-free highways. Just six years earlier they had snubbed then-Governor Ronald Reagan's own tax-limit initiative. But fueled by roaring, double-digit inflation, property taxes were rising so fast they threatened to force people out of their homes.

In the first half of 1978, 65,000 property owners in Sacramento County alone were told by the county tax assessor the valuation of their real estate was being raised by 40 to 50 percent.

Compounding taxpayers' ire, state government wasn't using all the money it was raking in. The surplus was growing so fast that then-Legislative Analyst Bill Hamm suggested the digital clocks on banks ought to add the size of the surplus to their minute-by-minute reports on the time and weather.

mind that property taxes did not go to the state treasury, made up mostly of sales, business and personal income taxes. The surplus came to symbolize bureaucratic mismanagement and indifference, fueling an anti-government sentiment born of desperation.

"We must have received four or five calls a day from people who were talking about turning on the oven without lighting it and sticking their head in it," Gann recalled late last year. "You know, people weeping."

When the Legislature finally offered its own property-tax relief measure on the same ballot with the Jarvis-Gann initiative, it was a complicated, 30 percent cut. Proposition 13 was simple and it cut taxes nearly twice as much.

"The pressure on senators and assemblymen was enor-

mous," recalls Martin Helmke, a veteran state Senate tax consultant. "Everybody was getting letters and telephone calls. The expression for it is 'groundswell.' For two horrible years we fumbled, and came up with something inadequate. Facing Proposition 13, it went down to dismal defeat."

Almost 69 percent of the state's voters cast ballots in the June election, a primary turnout unequaled since in California. They embraced Proposition 13 by a ratio of nearly 2-1, and a million of them didn't even vote for governor on the same ballot.

Once they got the message, mainstream politicians went on a tax-cutting binge that lasted for years.

Declaring himself a "born-again tax cutter," Governor Jerry Brown joined the Legislature in enacting a flurry of tax breaks — wiping out the business inventory tax, phasing out the inheritance tax and adjusting income tax brackets for inflation to keep monster surpluses from materializing again.

Those changes, along with Proposition 13, saved Californians a whopping \$106 billion as of 1985-86, state fiscal experts calculate.

Today, in the aftermath of their historic uprising, Californians seem satiated with their government blood-letting. Some did heed schools' pleas to donate their tax-rebate checks. Even more telling, says pollster Mervin Field, just 5

percent consider high taxes a pressing state problem, down from the 30 percent of 10 years ago.

During the past decade, Field says, the mood of the electorate has shifted so radically that 71 percent of Californians now favor raising local taxes if needed for public safety, to build roads or improve schools.

And as their tax-cutting fever has cooled, Californians have begun to believe they are getting a better bargain for their tax dollars, concludes Field, who has surveyed state opinion for 40 years. "Contributing to this more tolerant view of increased government spending is the perception that various levels of state and local government are doing a better job in making efficient use of tax dollars," he says.

Still, Republican Governor George Deukmejian isn't taking any chances. He voted against Proposition 13 and has never called himself a born-again tax cutter. But he steadfastly has opposed general tax increases as governor. Recently, he told the Sacramento Press Club that raising taxes, even gasoline taxes, would be "backward-looking" and lack creativity.

With each passing year it becomes harder to remember that Deukmejian as a legislator in 1967 carried a comprehensive \$1 billion tax increase for Governor Reagan. Its magnitude set a record that still stands today. ■

Reprinted from California Journal March 1990

The timber initiatives

EPA 1990

The Environmental Protection Act of 1990, backed by Assemblyman Tom Hayden and other Democratic politicians and environmentalists, would:

- establish a \$200 million fund to purchase stands of ancient redwood trees threatened by logging, and allow the state to use its power of eminent domain if owners refuse to sell;
- establish a one-year moratorium on clear-cutting of old-growth redwoods;
- ban clear-cutting;
- require developers to plant one tree for every 500 square feet of new development in the state. Trees consume carbon dioxide and produce oxygen and are believed to be needed to counter global warming;
- phase out all agricultural pesticides that cause cancer or birth defects;
- ban new oil drilling off the coast and set up a \$500 million state clean-up fund for oil spills; and,
- create an elected environmental advocate with the power to sue to enforce the law.

Forest Protection Initiative

The Forest and Wildlife Protection Initiative, written by the Environmental Protection Information Center and sponsored by the Forests Forever coalition, would:

- provide bond moneys of at least \$691 million to purchase the most significant remaining ancient forests (not limited to redwoods), and allow the state to use its power of eminent domain if owners refuse to sell;

- prohibit trees from being cut any faster than they can be replaced with mature trees;
- set maximum harvest at 60 percent of each tree species;
- ban clear-cutting of areas of more than two acres. (Clear-cutting is defined as removal of more than 70 percent of the timber.);
- require that at least eight large trees per acre be left uncut;
- prohibit burning after logging; and
- restructure the state Board of Forestry to limit industry positions.

Global Warming and Clear-Cutting Reduction, Wildlife Protection and Reforestation Act of 1990

The reforestation, wildlife and timber management act, backed by a timber industry group called Californians for Sensible Environmental Protection, would:

- keep the other two timber plans from taking effect, if it gets the most votes;
- allow lifetime timber harvesting plans rather than requiring the state to approve individual tracts for timber cutting;
- provide for \$300 million in bonds for public and private forest rehabilitation projects;
- eliminate clear-cutting in some areas; and,
- authorize, but not direct or appropriate money, for the state's acquisition of 1600 acres of old-growth timberland.

— Teresa Simons

Lesson Plan and Activities

Election Simulation

OBJECTIVES

- To demonstrate an ability to fill out a voter registration form correctly.
- To explain the election process from nomination and primary election through the general election.
- To describe the role political parties play in the nomination and election of gubernatorial candidates.
- To illustrate and identify various methods of political propaganda.
- To describe a party platform and the various components of an Australian ballot.

NOTES TO THE TEACHER

This simulation of the election process will take approximately 2 weeks. Much of what is done in the first week can be accomplished through book and lecture-related studies. The actual time spent in simulation activities is approximately 5 days.

Students must have the following in order for the activity to work:

1. Copies of the official Voter Registration Cards. These can be easily obtained at any local public agencies, i.e., Post offices.

2. CLOUT points. Handout #1 is a page of CLOUT coupons. Prior to the actual start of this simulation, the teacher should be handing out CLOUT coupons to members of the class for doing their homework, working on tasks in class, answering questions in class or contributing to class discussion, obtaining speakers, etc. These CLOUT coupons will be used later in the simulation to give certain students more POLITICAL CLOUT than others. Teachers may want to continue giving out CLOUT points throughout the first few days of the simulation to keep the CLOUT points in flux.

3. A district map (Handout #2) and a current California population map (Handout #3). The students will then be able to figure out how many class members should be chosen by lot from each of the 5 districts in Alta Calif.

4. Knowledge Base - Students must have an understanding of the areas listed below. Teachers may want to use readings, book assignments, speakers, lectures, etc., to provide their students with the following data base:

a. Political Party Organization and Platform - students should understand the basic differences between the two major parties and their platforms.

b. Apportionment of districts - students must be aware of the way districts are apportioned with representation according to population.

c. Political Clout - students should be made aware of the fact that some people are more politically active than others and these more active members of society carry with them more political power. This political power can be gained by wealth (ability to give large campaign contributions), or effort (ability to spend time campaigning for the candidate of their choice), or influence (having powerful friends who can make certain things happen for the candidate of their choice). By giving the students CLOUT coupons, some students will become more "powerful" or have more political clout. This is not to say that they have in reality more than one vote; it just says that they have the ability to personally influence more than just their own vote.

d. Political Propaganda - students should have a working knowledge of political propaganda methods (bandwagoning, plain folks appeal, fear, passing the buck, candidate image-making techniques, etc.)

e. Governor's Powers and Duties - students should understand the powers of the Governor and duties the Governor has and doesn't have, especially the Governor's veto power and role in the budget process.

f. Primary and General Elections - students must know the difference between an Open Primary and a Closed Primary (see below). They should also be able to explain the difference between a June primary election and a November general election.

PROCEDURES

1. The State of Alta Calif (ka-leaf) has **five** districts. Have the students use their population maps and their understanding of apportionment to decide how many students there should be in each district. Then have the students draw by lot their "home" district.

2. Duplicate copies of an official Voter Registration card and have each of the students fill one out. Teachers should have previously discussed the differences in the two major political parties. For the ease of this simulation, no third parties are allowed.

3. Continue to hand out CLOUT coupons to the class with the knowledge that it will give them more political importance down the road.

4. Have the students meet in their districts for a political party caucus. You will have 10 groups meeting. All the Republicans from Deso in one corner of the room; all the Democrats from Deso in another corner; Ceno Democrats in another area; etc. Within this group, the students need to make a list of all their names and how many CLOUT points they have. The students also need to pick one chairperson and list his/her name, and decide if any of their group wants to run for governor. These 10 lists should then be posted. Teachers should do what they can to ensure that at least 3 Republicans and 3 Democrats are listed as candidates for governor.

5. Now that the candidates are known, the students are asked to make one article of propaganda each. The students can decide for themselves which candidate to support. The propaganda should be no larger than a standard typing page. The students must include five methods of propaganda that they learned from their class lectures, readings, etc. Bringing in magazines really helps. Cutting pictures and slogans out of the ads is an easy but effective way to make these samples of propaganda. On the back of the propaganda, the student must explain which five methods of propaganda he/she used. The teachers should grade these promptly and post them throughout the room.

6. State Conventions should be held next. The Republican convention should be held on one day while the Democrats work on another assignment. The next day the convention for the Democrats will be held. At these conventions, the delegates will form their party's platform. Break down the convention members into seven equal groups. Each group will be assigned one topic of current interest to Californians. They are to write a one-paragraph position statement on how their political party will stand on this issue. The teachers can use readings found in the *California Journal* or a daily newspaper, or the knowledge of a "token" Republican/Democrat parent who has been invited to class to advise.

The following is a list of possible current issues:

- Workfare/welfare
- Changing the Alta Calif primary from June to March
- Comparable worth
- Abolition of the death penalty
- Abolition of the state lottery
- Mandating that any budget surpluses be automatically added to the existing public and higher education funds

- Parental consent for underage abortions
- Mandatory AIDS testing for marriage licenses and prisoners
- Ballot initiatives-in election years (the more popular ballot initiatives make very interesting position papers)

After the student groups have written their paragraphs, they should be read aloud and confirmed by the majority of the party membership. These should then be posted for all to see.

7. In preparation for the primary election, the candidates must prepare a one-minute commercial to present to all the members of the class. The candidates may seek the help of their fellow party members. These commercials (approximately three Republican candidates, and 3 Democrat candidates) should include many of the propaganda devices the students have learned in class. Have the students present their commercials to the entire class the day before the primary.

8. On the day of the primary election, the teacher should have made two official ballots: one with the names of the Republican candidates, and one with the Democrats. The California Primary is a closed primary. Only Republicans can vote for Republicans, and visa versa. To simulate the political clout of some people over others, the students will be able to cast as many votes for the candidate of their choice as they have CLOUT coupons. The results should be tallied by district on the board, and the winners announced.

9. Now that the class has narrowed down the field to just two candidates - one Republican and one Democrat, the gubernatorial debate can be planned. The teacher should select one moderator and three reporters to provide the questions for the candidates to answer. The questions posed to the candidates can only be questions from the platform issues listed above. The debate format will be carefully monitored by the moderator:

Opening Remarks (flip a coin to see who opens first and closes first)

Question #1

Candidate A answers

Candidate B answers

Candidate A gives a rebuttal if he/she chooses

Question #2

Candidate B answers

Candidate A answers

Candidate B gives a rebuttal if he/she chooses

Questions continue as time allows

Closing remarks (whoever opens first, closes first, no rebuttal allowed)

10. The general election will be held the day after the debate. It should be held as an Australian ballot would be. The teacher has duplicated a ballot including the names of the 2 candidates. There is no prohibition on cross-party voting as was the case in the primary. The students again will get to cast as many ballots as they have CLOUT points. Results should be posted by district and the winner announced. Teachers might consider absentee ballots if the students so request.

11. Teachers might consider giving 50 extra credit points to the winner with the stipulation that he/she may only keep 10 of them for him/herself. This will add a bit of political back-room realism to the situation. Promises can be made and "maybe" kept.

EVALUATION

Student work can be evaluated in any or all of the following areas:

1. Testing of objectives through verbal and written assignments.
2. Grading of student work - Propaganda sample, platform paragraph.
3. Observation of student participation in county meetings, party convention, during debate, and in helping to make their candidate's commercial.

HANDOUT 1

CLOUT POINTS

NAME _____

1 • 2 • 3
CIRCLE AMOUNT _____

TEACHER'S INITIALS _____

CLOUT POINTS

NAME _____

1 • 2 • 3
CIRCLE AMOUNT _____

TEACHER'S INITIALS _____

CLOUT POINTS

NAME _____

1 • 2 • 3
CIRCLE AMOUNT _____

TEACHER'S INITIALS _____

CLOUT POINTS

NAME _____

1 • 2 • 3
CIRCLE AMOUNT _____

TEACHER'S INITIALS _____

CLOUT POINTS

NAME _____

1 • 2 • 3
CIRCLE AMOUNT _____

TEACHER'S INITIALS _____

CLOUT POINTS

NAME _____

1 • 2 • 3
CIRCLE AMOUNT _____

TEACHER'S INITIALS _____

CLOUT POINTS

NAME _____

1 • 2 • 3
CIRCLE AMOUNT _____

TEACHER'S INITIALS _____

CLOUT POINTS

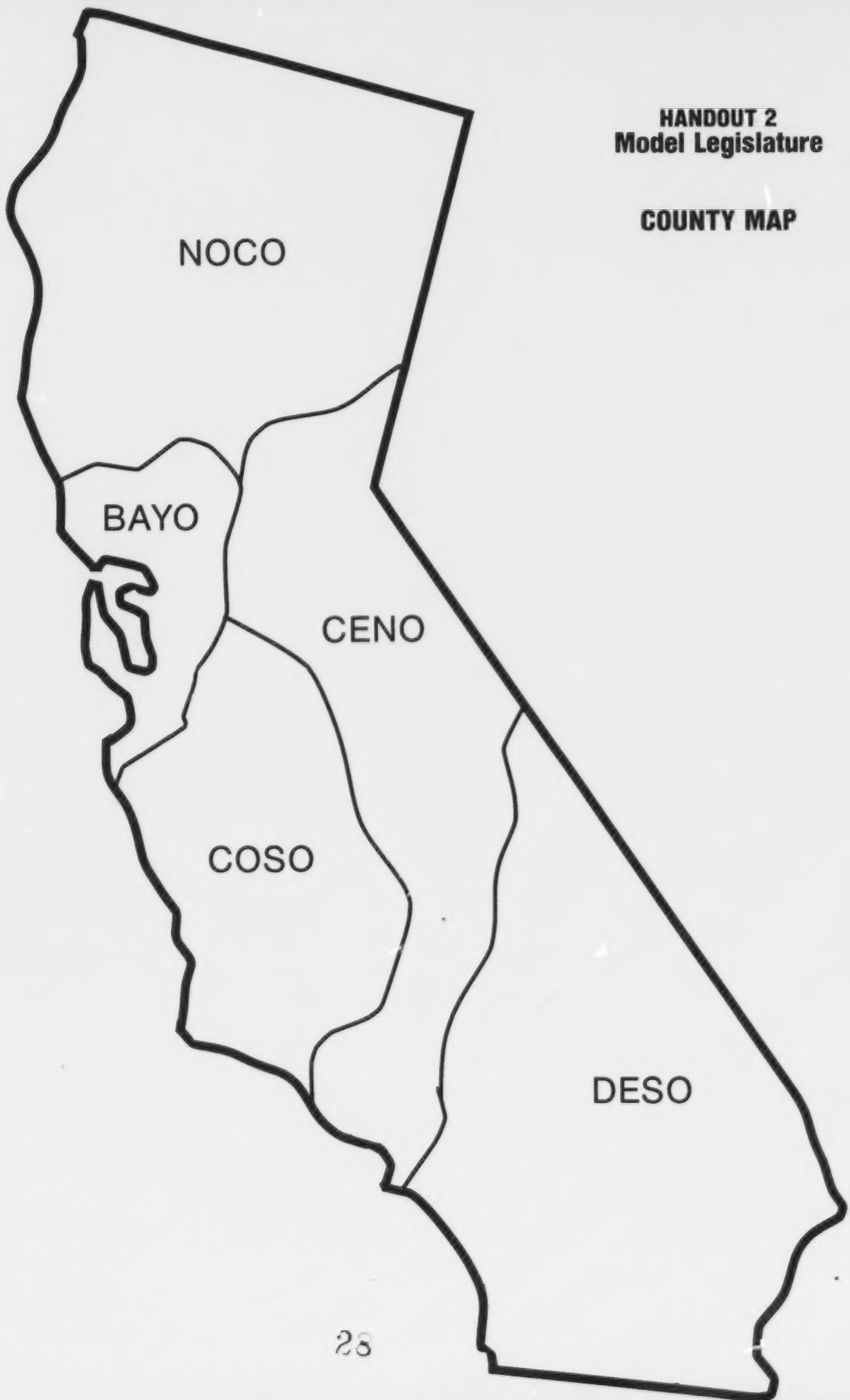
NAME _____

1 • 2 • 3
CIRCLE AMOUNT _____

TEACHER'S INITIALS _____

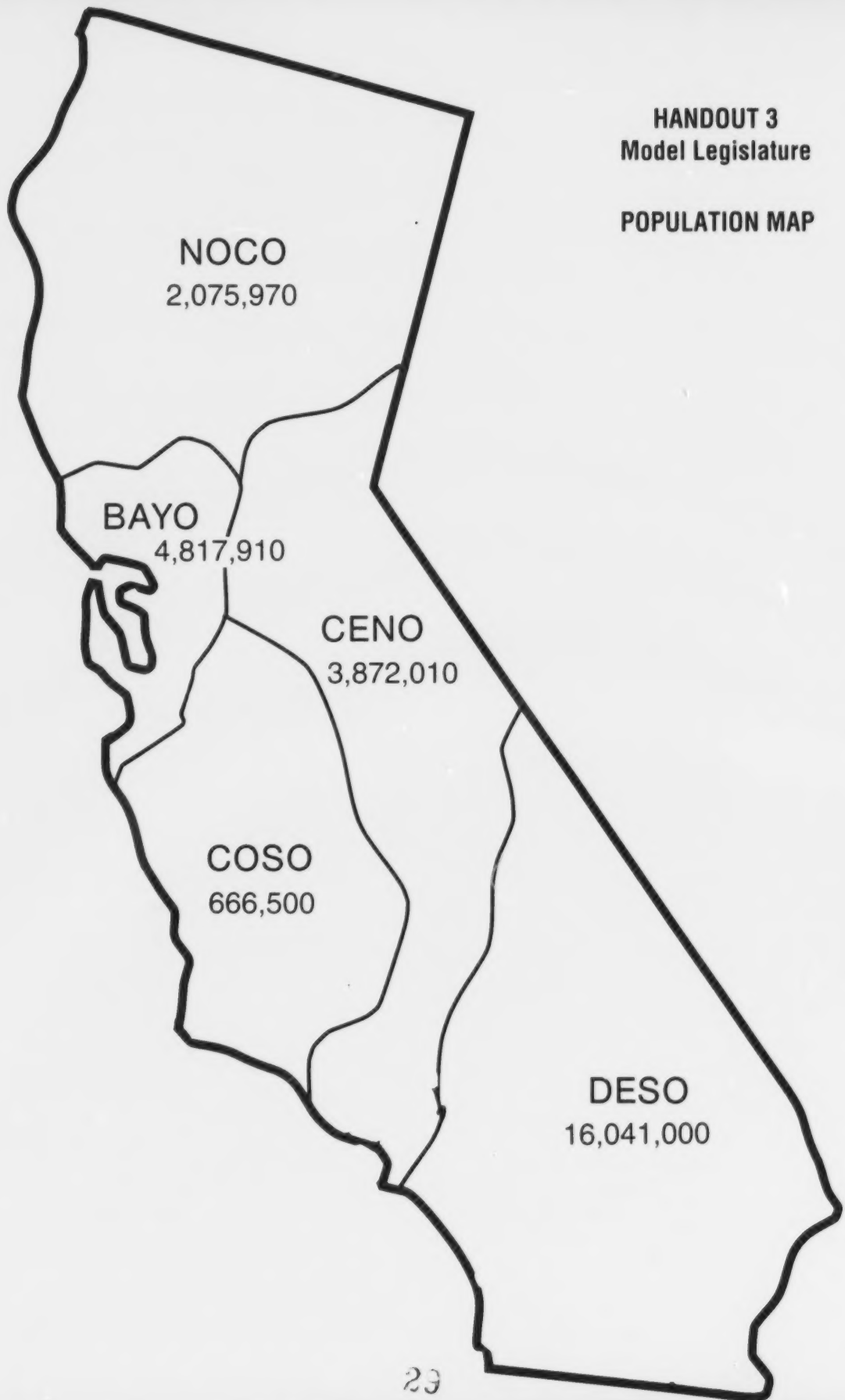
HANDOUT 2
Model Legislature

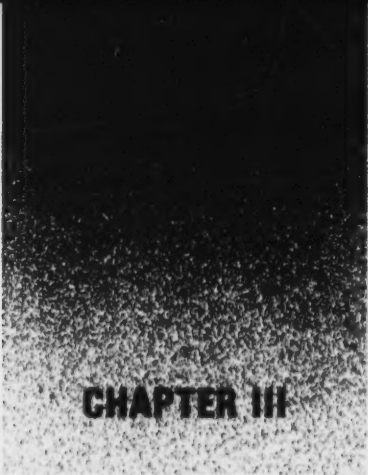
COUNTY MAP



HANDOUT 3
Model Legislature

POPULATION MAP





CHAPTER III

Governmental Decision-Making in California Politics, Lobbyists, and the Press

Through election of Assembly and Senate representatives, California voters decide the individuals who make the laws. Which laws are enacted and where and for which programs or projects money is spent, are all joint decisions of the two houses of the Legislature with approval by the Governor. Majority rule requires 41 Assembly representatives and 21 Senators to agree on a bill for it to be passed. Any one representative alone can accomplish nothing.

To make decisions faster, legislators in California, the federal government, and in many other countries band together in groups with shared interests and goals called **political parties**. When one group controls more than half the votes in a chamber, that party, called the **majority party**, can dominate spending and lawmaking. The two most important political parties in California are the Democrats and Republicans. To best understand California government, it is important to look at the history of politics in this state, the current political geography, and how reapportionment of the Legislature affects lawmaking and budget decisions. As well as the political parties, two more influences upon decision-making — the press and pressure groups or lobbyists — bear examination.

Political Parties

Since the early 1900's political parties in California have been kept weak to avoid the problems of machine politics that plagued the early years of the state's history. Today there are five parties: Democratic, Republican, Libertarian, Peace and Freedom, and American Independent. To be official, a party must get the votes of one percent of the registered voters or obtain a petition signed by a number of vot-

ers equal to ten percent of the votes cast for governor in the previous election.

To remain official, a party must get two percent of the vote for a statewide candidate and retain 1/15th of one percent of the registered voters. Without official status, a party's candidates will not be listed on the ballot on election day. Candidates can then run only by write-in, a difficult task ever since the pre-printed ballot came into use.

History of Growth of Political Parties

California politics has centered around the ebb and flow of power dominated primarily by reaction to changing **economic** conditions. This was particularly true in the early years of statehood. When things went well, big business dominated. In tougher times, right-to-work and labor groups won elections.

Two particularly influential movements were the railroad barons and the Progressives. The railroad barons — Charles Crocker, Mark Hopkins, Collis P. Huntington, and Leland Stanford — controlled politics from the 1880s for twenty-five years. Hiram Johnson and the Progressive wing of the Republican party campaigned against the excesses of the railroads and the boss of San Francisco, Abe Ruef.

Elected governor in 1910, Johnson instituted several important reforms: the initiative, referendum, recall, crossfiling to allow a candidate to file for election by more than one political party, a stronger civil service, and others. The Progressives were in power until the 20s when prosperity and voter apathy led to the regular Republicans' winning the election.

The Depression election of 1934 was noteworthy for who was not elected Upton Sinclair a muck-

raking author, with a radical economic platform. The Republican winner of that election, was defeated by Senator Culbert Olson, a Roosevelt Democrat, four years later.

A new progressive era began in 1942 with the election of Earl Warren. Exceptionally popular, Warren succeeded with most of his programs, except for compulsory health insurance. He was the only California governor elected to a third term and might have continued as governor indefinitely. However, in 1953, President Dwight D. Eisenhower nominated Warren to be Chief Justice of the U.S. Supreme Court.

For the next thirty years, politics became more partisan as Republicans and Democrats traded the governorship back and forth with the leadership of the nation's largest state now viewed as a staging ground for the presidency. In 1962 Democrat Edmund G. (Pat) Brown defeated a Republican Richard M. Nixon, who was seeking the governorship in a return to politics after his loss to John F. Kennedy in the presidential race. Brown later underestimated conservative Republican Ronald Reagan and was himself defeated in 1966. Reagan kept his promise not to run for a third term.

In 1974 the top seat went to Pat Brown's son, Jerry, charismatic but controversial. Jerry Brown served for two terms and then lost a Senate race to San Diego Mayor Pete Wilson. In 1982 Attorney General George Deukmejian won a tough primary against Lieutenant Governor Mike Curb for the Republican party nomination and barely won the November election against Los Angeles Mayor Tom Bradley. For his second term, Deukmejian triumphed by more than a million and a half votes against Bradley. While the Republicans were winning in the state house, the Presidency, and capturing the most number of votes in the 1980s, the Democrats retained control of the state Legislature through artificially manipulating or **gerrymandering** district reapportionment lines to swing the vote of the district toward one party or the other.

Current Political Geography

With its weak two-party system and non-partisan local elections, neither Republicans nor Democrats have dominated politics consistently for long periods of time. Until the late 1970s, San Francisco was described as traditionally Democratic while Orange and San Diego Counties were thought to be the GOP heartland with elections going to the swing vote in Los Angeles. By the late 70s this analysis was certainly changing. San Francisco suburbs became Republican enclaves. The Orange-San Diego area changed into strictly two-party territory. Los Angeles

became fairly predictable with neither party winning overwhelmingly but the Democrats usually getting an edge, especially in district voting.

The election of Ronald Reagan as President in 1980 signalled a shift toward greater conservatism and the Republican Party across the nation, for Reagan brought a Republican majority into Congress as well, although Democrats regained the majority in the 1984 elections. "No Democratic presidential candidate won in California between 1964 and 1988".²⁰ Even though the Republicans gained a plurality of votes, "partisan congressional redistricting in 1982 handed firm control of the congressional delegation to the Democrats."²¹ The Democrats retained control of the state legislature in a similar manner.

Rather than voting in regional blocks as had been the tendency during the 70s, Californians in the 80s began to vote according to socio-economic class. Anglos and middle-to-upper income Hispanics and Asians are connecting with the Republicans. While these socio-economic groups are in the minority, they are more likely to register and to vote. The Black population is more politically active, but not increasing in number. As a result, their relative influence may decrease. Lower-income Hispanics and Asians, though their numbers are growing, are less likely to vote and are thus not in the political process.²² This trend gives the middle-to-upper income Republican voters power out of proportion to their numbers in the state. At the same time, the state Legislature continues to be Democratic. Because they were the majority party during the 1980-1983 battles over reapportionment, the Democrats have managed to retain their control over both houses of the Legislature throughout the 80s.

Reapportionment

Representatives are elected by districts. (See current maps, readings, and supplementary materials.) The Legislature is empowered to **reapportion** itself or draw new districts, subject only to the veto of the governor and court challenge, once every ten years, after the federal **census**. Nothing gets a legislator on either the state or federal level more excited than the prospect of losing his or her job through reapportionment.²³ Both political parties are particularly interested in how the district lines are drawn because they can gain or lose control of one of the houses through reapportionment.

If the voters in a state or region are fairly **homogeneous** or if the houses of the Legislature and the governor are of the same political party, then reapportionment is fairly simple and has little potential for conflict. In the latter case, the party in power

draws the lines and gives the other party the scraps.

In states like California with a weak two-party system and non-partisan local elections, it is sometimes difficult to establish logical districts covering similar amounts of territory according to natural geographical or historical boundaries. Thus, in California the party in power can maintain its control by preserving the **status quo** and drawing the district lines, no matter how distorted, to include a majority of voters of their own party. This process is called gerrymandering. Although gerrymandering to create a majority of one party in one district usually gives another district to the minority party, the party in power such as the Democrats can assure continued re-election while receiving fewer votes in total. Whether the Democrats will continue as the majority party depends upon how the state is re-districted after the 1990 census.

Regions

Political California cannot be analyzed as a single unit. The state is far too large and varied. But it does break down into eight regions. Residents of these regions share common interests and distinct voting patterns.

The regions are the **cow counties** (Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Napa, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sonoma, Sutter, Tehama, Trinity, Tuolumne, and Yuba); the **central valley** (Yolo, Sacramento, San Joaquin, Stanislaus, San Benito, Merced, Madera, Fresno, Kings, Tulare, Kern); the **San Francisco Bay Area** (Alameda, Contra Costa, Santa Clara, San Mateo, San Francisco, Marin, Solano); the **central coast** (Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Ventura); **Los Angeles County, Orange County, San Diego County**, and the **Inland Empire** (Riverside, San Bernardino, and Imperial).

Pressure Groups and Lobbying

In addition to the political parties, two other institutions in California affect decision-making in the state capital. Individuals, businesses, and associations of people with similar interests exert influence on the Legislature through a variety of techniques. Sometimes called the "third house" because of their influence on the legislative process, lobbyists or legislative advocates try to persuade legislators to vote for or against certain bills. A good lobbyist knows what kind of psychological appeal will be effective with each member of the Legislature. An individual may want campaign contributions, or can be pres-

sured by thousands of letters, or will be swayed by friendship or a personal request.

The 800 or so lobbyists in Sacramento represent a wide variety of groups, large and small, powerful and weak, rich and poor. In the past, contract lobbyists who make large campaign contributions have been extremely powerful and for a time even ruled the Legislature. Today, money alone may not decide the fate of bills in the Legislature, but it is still very influential.

Corporation lobbyists work for one company, yet build alliances with other lobbyists with similar goals. Association lobbyists represent firms or public agencies with similar interests. These may vary from doctors to manufacturers to builders.

Public agencies such as the League of California Cities, the County Supervisors Association of California and the California Special Districts Association maintain representatives in Sacramento. Other state agencies hire people to keep a watch on their interests, but are not required to register and file annual reports as are all other lobbyists. A final group is public-interest lobbyists who work on behalf of the environment, consumer concerns, women and children, population control, prisoners, the homeless and others.

Besides winning support or opposition to a bill, another important job of the lobbyist is to keep clients informed about progress of legislation and issues which may affect them. If a problem arises, a lobbyist organizes assistance from the groups represented to pressure the lawmaker to vote a certain way. The assistance might be technical knowledge about the problem, expert witnesses to appear before committees, or a communications blitz to one, a few, or all members of the Legislature.

The Press

While the influence of lobbyists is so strong that they are often considered the "third house" of the Legislature, the press is said to be powerful enough to be referred to as the "fourth branch" of government. The press corps assigned to the Capitol has undergone two significant changes. The first occurred after the rapid expansion of California government and the press corps itself. No longer a small group of about a dozen reporters engaged in conversations around the governor's desk, the press corps grew to more than 75 members. Press conferences with the governor became events, and the reporters turned their attention to the Legislature, which conducted many meetings in the open and offered greater accessibility.

A decrease of the press corps' power occurred

when the capitol was declared unsafe in the event of a major earthquake in 1973. The reporters were evicted. Members of the Capitol Correspondents Association, which had the job of accrediting correspondents and assigning space, lost some of their immediate access to the decision-makers and perhaps some of their power.

The press corps may be divided into four media. The news services, such as Associated Press and United Press International, provide detailed reports of the events in state government with little analysis or interpretation. Several large newspapers — the *Los Angeles Times*, *The Sacramento Bee*, and the *San Francisco Chronicle* — maintain bureaus with several reporters who concentrate on the longer, more analytical pieces and leave the straight news to the wire services.

Smaller newspapers have full-time correspondents in Sacramento to cover local matters and dig up exclusive articles. Some of the correspondents also write opinion columns. Capitol-watchers look to this group for incisive comments about state government and politics.

At one time, radio and television reporters kept Capitol offices but have recently abandoned coverage because the broadcasting industry decided that politics wasn't lively enough to attract viewers. But when they do cover an event it has great influence because of the size of the audience.

Summary

Strong institutions in American and California politics affect decision-making. Politicians group themselves into parties of similar beliefs for greater effectiveness in getting legislation passed, better voter identification, and fund-raising. Lobbyists represent corporations, associations, and special-interest groups using a variety of means to persuade lawmakers to vote on behalf of their clients. Journalists keep a watchful eye on them all and serve as the conduit between voters and their representatives.

For Further Discussion and Research

Research the fundamental principles of the Republican and Democrat parties as they are currently. Explain how the terms moderate, liberal, and conservative relate to each party and how each party generally stands on environmental protection, workfare, the nuclear industry, comparable worth, parental consent for abortions, and discrimination against AIDS victims. Who are the prominent lead-

ers of each party on the state and national scenes? Choose one state or national leader and research his/her career. Write a three-minute speech persuading your classmates to vote for this candidate.

Explain the politics of one of the eight regional areas of California. Account for how characteristics of industry, population, terrain, and natural resources affect your region's politics.

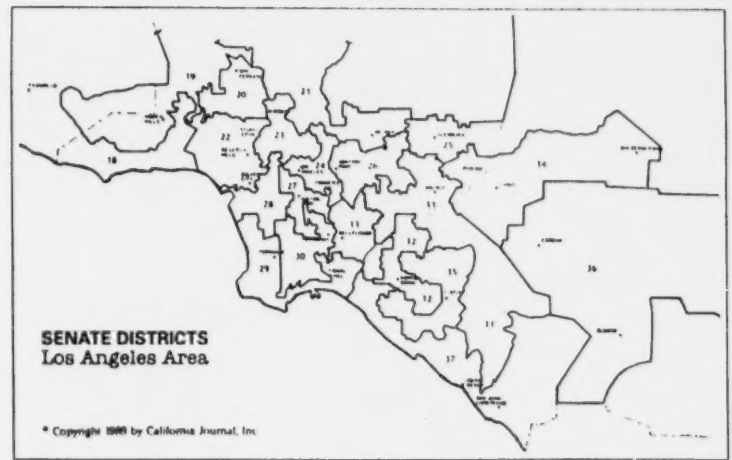
From your library find copies of a newspaper from your "region." Through reading the editorials and columnists, analyze the "politics" of this newspaper: Republican or Democrat, liberal or conservative. If the newspaper has a columnist covering state government, determine what issues are important to the readers of this region and why, according to this columnist.

Follow the Capitol coverage of two different newspapers. Determine if their editorial philosophy is moderate or conservative. Is this reflected on their news pages? If so, how? Examine the differences in their observations about the same events. Discuss the advantages and disadvantages of having numerous newspapers providing broad coverage of government.

Study a representative novel by Upton Sinclair as well as his campaign for the governorship. Who were the forces opposing him and why? What were the consequences of his candidacy?

In cooperative learning groups develop arguments to present at a Mock Legislative Committee Hearing on the Abolition of the State Lottery. Each group of students should assume the role of a different pressure lobby. Brainstorm to come up with the specific pressure groups (for example, United Churchgoers Against Gambling, State Teachers for the Lottery). Make an effort to balance the pro/con interests. In their cooperative learning groups, the students should list a minimum of four reasons supporting their arguments. "Testimony" from each pressure group must be limited to approximately two minutes or less before a randomly selected committee of a chairperson and four members. After all the presentations, the committee can vote to recommend passage or not. Class discussion should follow.

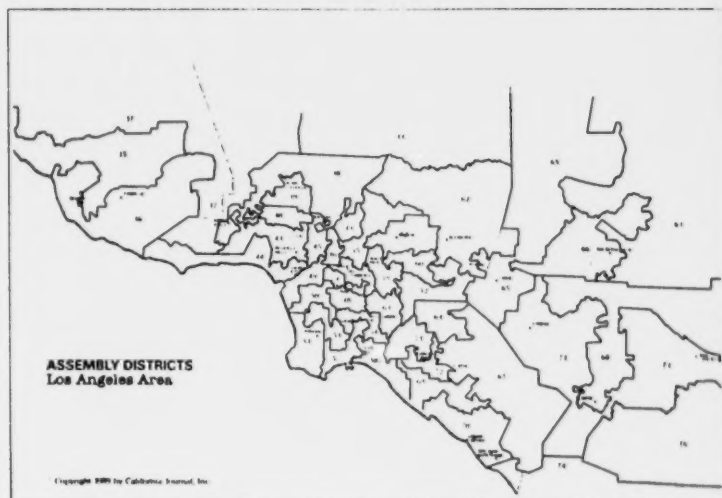
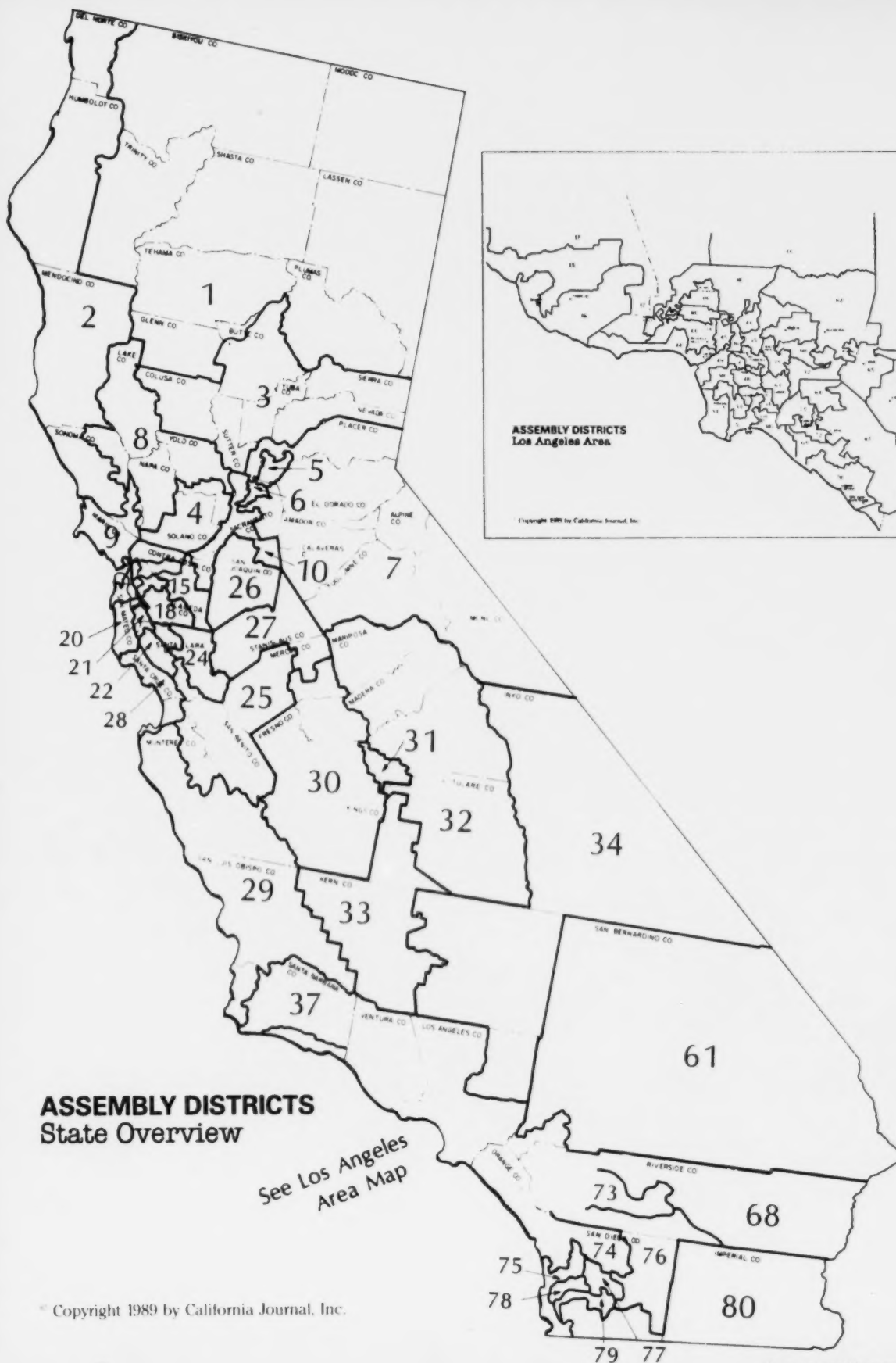
Readings and Supplementary Materials



SENATE DISTRICTS State Overview

See Los Angeles
Area Map

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ATTACK of the radio talk-show hosts

They killed the congressional pay raise. What's next?

Reprinted from 1990-91 Annual

By Charles Price



Cartoon by Pierre Babasin

It was a sure thing. A done deal. Nothing, it seemed, could stop a substantial congressional pay raise from taking effect on February 8, 1989.

Well, almost nothing.

Public outrage can derail nearly any sensitive endeavor of the Congress, and few things are as sensitive as congressmen arranging a larger slice of the federal pie for themselves.

Thus, the done deal was undone. Like a dangling thread that gradually unwinds an entire sweater, the pay raise unravelled in the weeks prior to February 8th. Although the

public tugged at the thread, the issue had been kept alive and the public prodded to grasp it by a group of disparate radio talk-show hosts across the country. Eventually, the talk hosts formed an informal network that helped energize the controversy from coast to coast.

Was this "victory" by talk-show hosts a sign of emerging political clout? Or did the radio jocks merely ride the crest of an existing wave of indignation? Did they mobilize public opinion or exploit it?

Talk-show hosts thrive on controversy, and the pay-raise flap provided them with the perfect grist for their mills. Never mind that arguments in favor of the most recent raise came from sources as diverse as President George Bush and Common Cause. It is difficult to persuade someone making

Continued on next page

Charles Price is a professor of political science at California State University, Chico, and a frequent contributor to California Journal.

\$25,000 a year that members of Congress — earning \$80,000, plus "perks" and honoraria — need a 51 percent salary hike. Never mind, too, that many of the talk jocks themselves earn in excess of \$80,000.

In short, Congressional leaders sought to deflect public criticism for their pay hike by tying it to those for federal judges and other high-ranking federal employees. The raises had been recommended by an independent, bipartisan commission on federal salaries. To diffuse credit (or blame) for the raises, commission recommendations could only be stopped by a majority vote of *both* houses of Congress *against* the proposal. Not surprisingly, national surveys showed an overwhelming majority of Americans opposed to both the hike and the method.

And where did this national wave of grumpiness surface? Radio talk shows. Throughout January and February, 1989, talk-show hosts nationwide were inundated with thousands of calls from irate citizens. Callers (and many of the hosts) argued that pay raises should be based upon effective performance, and since Congress did so little, its members didn't deserve a large raise. However, because of the way the raise had been engineered, most everyone believed that stopping it was a long-shot at best.

That is, until talk hosts began to gain a feel for how much the raise was despised by their local listening audience — and by listeners all over the country.

Through the years, talk-show hosts had called one another on occasion to discuss matters of mutual concern. And in early 1989, through this informal network, they discovered that opposition to Congress' pay plan included all kinds of citizens — Republicans, independents, Libertarians and Democrats.

In a spontaneous groundswell, talk hosts began contacting one another on the air to report on the anti-pay raise campaign in their communities and to suggest which congressmen needed more persuasion. Thus, for the first time ever, talk hosts began to coordinate their efforts on an issue.

And a political "ah-ha" was realized. As *New York Times* reporter E. J. Dionne described it, "Connected to each other by phone line and facsimile machine and linked to millions by the air waves, the talk jockeys proved they could generate an astonishing outpouring of protest."

How well did the network work? A caller to Ray Fox of WXYT in Detroit suggested that protesters send tea bags to their Congress members (*a la* the Boston Tea Party of 1775), and the idea was quickly disseminated across the country. Tea bags began showing up in the nation's Capitol. As Joe Klein of *New York Magazine* put it, "... a gaggle of radio talk show hosts ... rallied their listeners against the pay raise. They [along with consumer activist Ralph Nader] mounted the most effective lobbying campaign of the past decade — an effort that raised the daunting specter of radio populism on the rampage and talk hosts as the political organizers of the '90s."

In the end, of course, Congress voted down the pay raise.

Who led whom on this issue? Did talk hosts lead the public or merely provide a forum for an already upset audience?

Powerful members of Congress acknowledged the role of talk hosts. Democrat Tony Coelho of Merced, a former congressman who resigned in June but who at the time was majority whip of the House, said, "The talk-show hosts and Ralph Nader won this round." A Coelho aide, David Drier, was even more direct, "I don't fault the public," said Drier. "I fault the talk-show hosts for stirring up the public. Compared to what most talk-show hosts make, the proposed salary increase for congressmen was a pittance."

David Broder of the *Washington Post*, while lashing out at Congress' response to the controversy, also seemed to blame the radio hosts. "By knuckling under to the know-nothing demagoguery of their hometown radio talk-shows ...," Broder fumed, "ninety percent of the senators and representatives demonstrated again that they put the safety of their seats far ahead of the well-being of the Congress in which they serve."

Talk hosts, of course, denied they were stirring up the public. They argued that they channeled a public outcry that already existed. Whichever argument is correct, one thing had become clear: Talk shows had become a potential force in the political system.

Don Andrews, talk show producer at Sacramento's KFBK, argues (as do most of his brethren in the talk radio industry) that talk hosts don't have the ability to stir people to action. He contends that talk shows mainly mirror public opinion. "Talk shows are only a conduit. If [a political talk host] tried to generate interest in watchmaking he couldn't do it. The interest must be there."

Talk shows are both a new and an old phenomenon. In some ways, they are as old as the town-hall meeting of yore — albeit a slightly skewed version of it. The town-hall meeting is one of the most revered traditions of American direct democracy, its roots deep in the earliest days of American colonial experience. As first devised, the town-hall meeting was an annual conclave of the concerned adult citizens of a community, who came together to discuss and to decide local issues collectively, not through their local elected officials. At these meetings, anyone could speak, and all men present had the right to vote. One of the late Norman Rockwell's most famous *Saturday Evening Post* covers depicted a blue-collar worker addressing his fellow citizens (some of whom were obviously among the community elite) at just such a meeting.

Talk shows mirror the "open-mike" aspect of the town hall. Any listener, no matter what his or her social status, educational background or occupation, may phone in and, if lucky, be selected to speak with the host on the air. Even "voting" of sorts is permitted, such as when a station sets up telephone numbers for "yes" and "no" votes, then solicits listeners to phone in their preference on a given issue. Unlike town-hall meetings, the talk-show "poll" is not a binding vote. But an overwhelming response on one side of an issue may influence a local official or legislator who later is informed of the results. Call-in listeners do have one advantage over citizens attending town hall meetings: anonymity. Call-ins may espouse unpopular opinions without worrying about what their relatives or friends might think.

Talk and interview shows have been radio features since the industry's earliest days. However, open-mike formats — where listeners call in with questions or comments and join the show — have only been around for the past 20 years. They came about in the 1950s and '60s when AM radio stations specialized their programming to compete with television and with FM music and public radio stations. One of the specializations was an all-news format, with a substantial amount of air time dedicated to open-mike talk shows. Stations like them because they are relatively inexpensive to produce.

But like any programming, talk shows have spread through the radio industry because they are popular. Producer Don Andrews of Sacramento's all-news KFBK said that the talk format has become so popular that even some music stations have adopted an occasional talk program. As of mid-July 1989, the top-rated radio stations in both the San

Francisco (KGO) and Sacramento (KFBK) markets were talk-dominated. Another indication of their popularity in American culture is the recent spate of movies and television programs dealing with talk radio, such as "Betrayed," "Talk Radio," "Kings and Desperate Men" and the TV series "Midnight Caller." In addition, various television clones have become



Limbaugh



Owens

popular: Donahue, Oprah Winfrey, Geraldo, Sally Jessie Raphael, Larry King and Morton Downey Jr.

Open-mike programs deal with a variety of subjects: medicine, physical fitness, religion, personal finance, sexual dysfunction, sports, restaurant reviews and — of course — politics. Ratings battles have encouraged their producers to increasingly focus on sexual and/or sensational topics as a means of generating larger audiences — interviews with child molesters, people who've undergone sex changes, lesbian ex-nuns, members of satanic cults, *ad nauseum*.

While the more sensational subject matter does little more than entertain audiences, when talk hosts turn their attention to politics, they may actually influence public policy because people who call in are a barometer of community opinion. As Boston talk host Jerry Williams commented, "[critics call the talk audience] yahoos, demagogues, nutcases and nerds. You know who they're talking about? The United States of America. Not me, but people who call in. Why, who do you think they are? They're America."

Traditionally, talk audiences for daytime shows have not been typical of the population. Listeners tended to be retirees, housewives, swing-shift workers or small store owners. But in California, communication technology and gridlocked highways are changing talk-show demographics. Fax machines allow office workers and executives to communicate immediately with talk shows; their opinions and messages do not wait in the phone queue but are passed on to hosts as soon as they arrive. And as more and more commuters are trapped in cars for longer stretches of the commute day, they — armed with cellular telephones — become listeners and participants in far larger numbers than had been possible in the past.

While conservatives tend to listen to conservative broadcasters and liberals to liberal broadcasters, most talk shows do not try to screen out callers with views opposite to those of the host. Indeed, most call-in hosts welcome hearing from those with whom they disagree because it makes for controversy and clash. Thus, talk shows may not reflect overall public opinion as precisely as do polls, but they do reflect a significant segment of community attitude.

Like the population at large, talk hosts occupy most every niche on the political spectrum. Most are reasonably bright, articulate, and knowledgeable about current affairs

and the political process. Some conscientiously try to be objective and even-handed; others are highly partisan and dogmatic. Most treat their call-ins with respect, while a few are testy or cranky and become belligerent with callers who don't agree with them. And, some try to hype their ratings by making outrageous comments or by bullying call-ins.

The more outrageous are epitomized by conservative Rush Limbaugh, formerly with Sacramento's KFBK and cur-



Lykis



Jackson

rently a nationally-syndicated talk host originating from New York. Recently, Limbaugh demonstrated the power of talk shows when he offered to charter buses, fill them with homeless persons and ship them to the luxury seaside community of Malibu, near Los Angeles. Limbaugh's antic came in response to a declaration by Malibu's honorary mayor — actor and activist Martin Sheen — proclaiming Malibu a sanctuary for aliens and the homeless.

Limbaugh eventually dropped his offer, but not before hundreds of callers phoned his show to help charter the buses. In addition, Sheen was put on the defensive after the Malibu Chamber of Commerce raised a fuss. Thus Limbaugh had demonstrated what he called the emptiness of Sheen's offer.

Another conservative, whose show has a political impact throughout New England, is Boston's Jerry Williams. Williams' "conversations" with callers are spiced with comments like, "Sir, get lost! You are a jerk!" Or, "Thank you for your honesty, you hypocrite." Or, "Didn't I just tell you? Didn't you just hear me? I mean you really don't get it, do you? I've had it. I mean we're not communicating. You have a large problem." Or, "What you need is a seatbelt across your mouth. Maybe that would do it." Or, "You're full of bull. Right to your face, you're f.o.b., full of bull."

Williams, who has a large and loyal following, was instrumental in coordinating the nation's talk hosts to kill the Congressional pay raise, and also in helping to block a mandatory seat-belt law from being enacted in his native Massachusetts.

In California, virtually, every major (and some minor) city has a local radio talk show. Among the better-known political talk hosts are KGO (San Francisco) conservatives Jim Eason and Lee Rogers, moderate Ron Owens, and liberal Bernie Ward, who also has a show on Sacramento's KFBK; KSDO (San Diego) host Stacy Taylor; KABC (Los Angeles) hosts Michael Jackson and Ira Fiestell; KFI's (Los Angeles) Tom Lykis who, when singer Cat Stevens endorsed the idea of assassinating "Satanic Verses" author Salmon Rushdie, hired a steamroller to publicly crush Stevens' records; and XTRA's (San Diego-Tijuana) Mark Williams, who has recently

been replaced by ex-baseball player Steve Garvey. Even politicians have gotten into the act. Independent state Senator Quentin Kopp has a Sunday evening show on KGO in San Francisco. (Kopp takes a sabbatical during his election campaigns.) And in San Diego, former Mayor Roger Hedgecock has a show on KSDO. Hedgecock was bounced from office in 1985 in the wake of a conviction for receiving illegal campaign contributions.

Most state legislators welcome the chance to appear as guests on talk shows because it's a good way to reach constituents. But now and then, a talk show appearance can hurt or embarrass a politician. For example, several months ago Republican state Senator Jim Nielsen of Rohnert Park appeared on a talk show in Petaluma (KVON) where he said that the spread of AIDS was a form of God's wrath aimed at homosexuals. Nielsen's comments were quickly picked up by other radio and television stations, and the senator (a member of a Senate select committee on AIDS) was roundly criticized.

For the most part, legislative aides contacted for this story said that political talk shows do not significantly impact California government. Of course, there is no precise way to measure that impact since most constituents who call or write to legislative offices fail to mention how or why they were prompted to communicate. In addition, no state issue has galvanized the public as did the Congressional pay raise. In major population centers such as the San Francisco Bay area, Los Angeles, Orange County, San Diego and even Sacramento, political talk shows often focus on national or local concerns over state issues.

Besides, said KFBK's Don Andrews, most controversial state issues — abortion, animal rights, gun control — have sharply defined and conflicting constituencies, so opportunities for unified action are nil. Because of this, Andrews argued, talk shows serve mainly as forums for discussion and not as vehicles for change.

Talk shows may impact the state political system more



Kopp

Hedgecock

than on partisan or controversial issues, however, especially where a governmental bureaucracy attempts to administratively hide an action or to move a matter through the process.

For example, in May 1989 the *San Jose Mercury News* reported that the state Legislature was paying life-insurance premiums for ex-legislators. KGO talk host Jim Eason told his listeners about the *Mercury* story and suggested that this was another example of Capitol sleaze. In the aftermath of Eason's show, many Bay Area legislative offices were called by irate KGO listeners complaining about the policies. According to Mike Thompson, aide to Democratic Assemblywoman Jackie Speier, the payments had been the result of a misunderstanding between insurance company officials and

the Joint Rules Committee. The matter was resolved when the committee rescinded the policy. Assemblywoman Speier then asked Eason for air time to explain how the mistake had been made and what was done to correct it. Eason declined, saying the story was now "old news."

The life-insurance controversy shows how talk-show hosts can mobilize an audience over a local issue, albeit a small one. The success in stopping Congress' pay raise was national in scope, and following their success, some talk hosts expressed interest in meeting to discuss whether they might be able to cooperate on other issues. To this end, Jerry Williams invited talk hosts nationwide to Boston this past June to discuss matters of mutual concern.

"We're like radio politicians without having to run," Williams explained. "We're troublemakers ... a good muckraker is necessary in the United States, particularly muckrakers who are in touch with everyday folks. We've never had any respect. All of a sudden we're getting some visibility ... it was about time for us to come together and talk about what we could do together. It doesn't necessarily mean we have to agree on everything."

Not everyone was happy about the Boston conclave, however. James Quello, a member of the Federal Communications Commission, complained: "Local disk jockeys and talk show hosts are using serious national issues for audience-building." And Capital Cities/ABC forbade any of their talk hosts from attending Williams' meeting because they feared it might be interpreted as an attempt by the media to exercise power. However, Paul Bicknell, a Baltimore talk host, dismissed the fears. "Most of us are ex-D.J.'s," he said. "None of us are bright enough to set up a conspiracy."

Also, it may be difficult to meld a unified organization out of hosts who, by nature, are not usually regarded as quiet, unassuming individuals. They have strong egos.

Still, at their Boston meeting talk hosts agreed to form an association. But, not surprisingly, they could not agree on issues upon which they might focus. Talk hosts span the political spectrum, and the chance that they could agree to push certain issues seems remote. As KFBK's Andrews emphasized, for the most part, talk shows reflect existing public opinion and cannot simply decide which issues to promote and then order their listeners to march. "Talk hosts must go with the flow," he said. The congressional pay raise issue was unique because it spanned the political spectrum — conservative, moderate and liberal listeners were all upset. But it demonstrated that on bellweather issues and controversies, radio talk-show hosts can generate clout. Recently, some talk hosts encouraged their listeners to cut up their Exxon credit cards and mail them to corporate headquarters as a means of protesting the oil company's role in the *Exxon Valdez* spill. Exxon officials reported receiving over 10,000 destroyed credit cards in the protest effort. And this was not the coordinated work of Williams' talk-show network but a locally spontaneous outpouring.

The network — and talk-show — clout may show up most on issues where the views of a government elite differ markedly from those held by the public at large. In this arena, talk shows may be able to play an increasingly influential role. This influence, however, must be accompanied by a sense of responsibility that transcends demagoguery. If talk-show hosts aspire to greater influence, they should make an effort to present all sides of an issue, as well as treat callers who disagree with dignity, respect and civility. Given this responsibility, their shows may become invaluable in informing and educating the public about issues and the political processes. ■

Lesson Plan and Activities

Reapportionment Mapping

OBJECTIVES

- To give students experience in analyzing social and political data
- To demonstrate the use and intent of reapportionment and gerrymandering
- To understand the effects of special interests and the political process of compromise

NOTES TO THE TEACHER

The purpose of this activity is to make students aware of the reapportionment process and how it is used by elected officials. Students are asked to draw new boundaries for five assembly districts in the imaginary city of "Calcity." These districts could just as easily be for local or federal representation. The goals for the students in this activity require that they look out for their own best interests and those of the various interest groups of which they are members. Thus, they become involved in the process of "gerrymandering."

This activity will take approximately four class periods. You will need the following materials:

- Handout 1 Role Assignment Sheet
- Handout 2 Voter Registration/Political Map
- Handout 3 Ethnic Distribution Map
- Handout 4 Socioeconomic Distribution Map
- Handout 5 Student Reapportionment Plan Map

The instructor should stress cooperative learning as each role group meeting is held. Thus, students who are confused or unsure of their responsibilities can gain help and reinforcement from peers. This approach will also add a large degree of reality, since students will have pressure applied to them by various factions. For example, some students will just do as they are told, while others will resist and do what they feel will be best for their own self-interests.

PROCEDURES

1. On day one, hand out materials, introduce the activity, and assign roles. On day two, have students attend interest groups and complete their individual maps. On day three have the town meeting. On day four, debrief and have students complete the essay analysis of the activity.

2. Explain to the students that Calcity is an imaginary city in California. It is time to reapportion the state legislature, using Handout 1, Role Assignment Sheet. It is their task to come up with a plan that will map out five of the state's assembly districts, which lie within the city limits of Calcity. Tell them that the city has a population of 100,000 and their job is to create five districts that are as equal in population size as possible. In other words, each assemblyperson should represent about 20,000 people.

3. Handout 1 (Role Signup Sheet) can accommodate any class size up to 36 students and gives each student a unique set of characteristics. If there are more than 36 students, some doubling up on roles will be necessary. The teacher will record each student's name on the sheet. Make sure that each student records his/her role description on the map to be handed in by each student.

4. Distribute and discuss the four maps of the city (Handouts 2,3,4, & 5) with the students. Each map shows the city's topographic features, cultural features, and neighborhoods. Handout 2 (Voter Registration/Political Map) shows voter registration. Handout 3 (Ethnic Distribution Map) depicts ethnic group distribution. Handout 4 is the Socioeconomic Economic Distribution Map. Handout 5 (Student Reapportionment Plan Map) is for student use in making up the

new assembly districts. Tell the students that political affiliation and ethnic background are significant factors in determining district boundaries, and that socioeconomic factors such as income and amount of education *may or may not* be important. Students should analyze each of the existing maps in order to come up with their own reapportionment plans.

5. Give students the following goals for which they should strive:

Goal #1 Each district should be equal in population representation.

Goal #2 Maximize power for your Color Group (There are four ethnic groups in the activity and each is labelled by a color).

Goal #3 Maximize power for your political group.

Goal #4 Consider the significance of socioeconomic status in order to achieve the other goals.

6. Have each student complete his/her map, reapportioning Calcity according to the best interests of his/her political, ethnic, and socioeconomic background. This should be followed first by political interest group meetings and then by ethnic group meetings. The teacher may wish to schedule these initial meetings. At these meetings, students should share their reapportionment plans and try reaching compromise solutions to the reapportionment problem, while keeping the primary goals in mind.

7. Have each student keep a daily log of observations. This log should note meeting dates, with whom the student met with, and the various recommendations made by various interest groups and individuals for a final reapportionment plan.

8. The last step is to have a city meeting in which various reapportionment plans are shared. After all arguments have been shared and several compromise plans presented, final reapportionment should be decided by a plurality vote at the town meeting. The plurality vote will help draw the activity to a close. The final plan will probably not be too popular with the majority of students. This process helps demonstrate how complex reapportionment plans are and why they are so controversial.

9. Have each student complete a one-page written or five-minute oral analysis and reaction to the plan adopted at the town meeting. This essay should outline the student's primary objectives for his/her particular affiliations. It should also identify which things might have been compromised if these objectives were not attained at the town meeting.

10. It should be noted that each student is expected to complete a map on his/her own and according to his or her unique role assignment. However, this activity does require each student to meet with the various role groups in which he/she has membership.

EVALUATION

At the conclusion of this activity, the instructor should evaluate student understanding through map review and verbal debriefing. Incentive grades should be incorporated by the teacher to reward students who succeed in "pushing" their reapportionment plans through to adoption. Emphasis should be placed on group activity and class participation. In addition, individual assignments to be completed by each student and evaluated by the instructor over the course of this activity should include:

- 1) A final reapportionment map and prior drafts dated to show progress;
- 2) A student log of progress which includes whom the student met with and when, what deals were struck, and behavioral observations of students with different role assignments;
- 3) A written and/or oral analysis and reaction to the plan adopted.

HANDOUT 1 **Reapportionment Mapping Activity**

Student Role Assignment Sheet

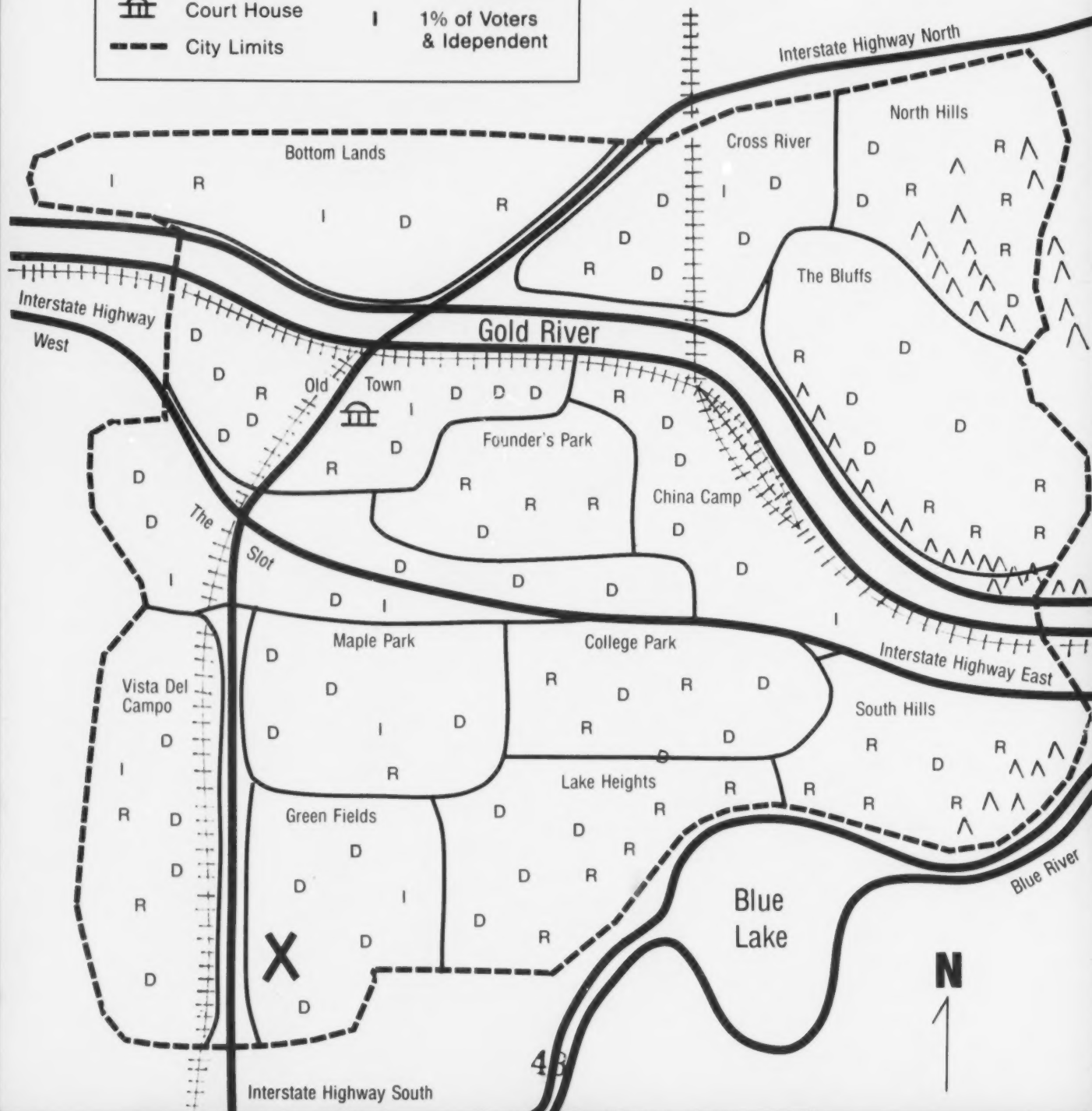
1. _____ Republican, Blue Ethnicity, High Income
2. _____ Democrat, Blue Ethnicity, High Income
3. _____ Independent, Blue, High Income
4. _____ Republican, Blue, Middle Income
5. _____ Democrat, Blue, Middle Income
6. _____ Independent, Blue, Middle Income
7. _____ Republican, Blue, Low Income
8. _____ Democrat, Blue, Low Income
9. _____ Independent, Blue, Low Income
10. _____ Republican, Green, High Income
11. _____ Democrat, Green, High Income
12. _____ Independent, Green, Middle Income
13. _____ Republican, Green, Middle Income
14. _____ Democrat, Green, Middle Income
15. _____ Republican, Green, Low Income
16. _____ Democrat, Green, Low Income
17. _____ Republican, Orange, High Income
18. _____ Democrat, Orange, High Income
19. _____ Republican, Orange, Middle Income
20. _____ Democrat, Orange, Middle Income
21. _____ Republican, Orange, Low Income
22. _____ Democrat, Orange, Low Income
23. _____ Republican, Purple, High Income
24. _____ Democrat, Purple, High Income
25. _____ Republican, Purple, Middle Income
26. _____ Democrat, Purple, Middle Income
27. _____ Independent, Purple, Middle Income
28. _____ Republican, Purple, Low Income
29. _____ Democrat, Purple, Low Income
30. _____ Independent, Purple, Low Income
31. _____ Democrat, Gold, Middle Income
32. _____ Democrat, Gold, High Income
33. _____ Democrat, Gold, Low Income
34. _____ Democrat, Blue, Middle Income
35. _____ Democrat, Blue, Low Income
36. _____ Democrat, Green, Middle Income

HANDOUT 2

Voter Registration/Political Map:

LEGEND

- | | | | |
|--------|-------------|---|-------------------------------|
| ++++ | Railroad | R | 1% of Voters
& Republicans |
| ^v^v^v | Hills | | |
| X | Airport | D | 1% of Voters
& Democratic |
| ⌈⌋ | Court House | I | 1% of Voters
& Independent |
| ---- | City Limits | | |

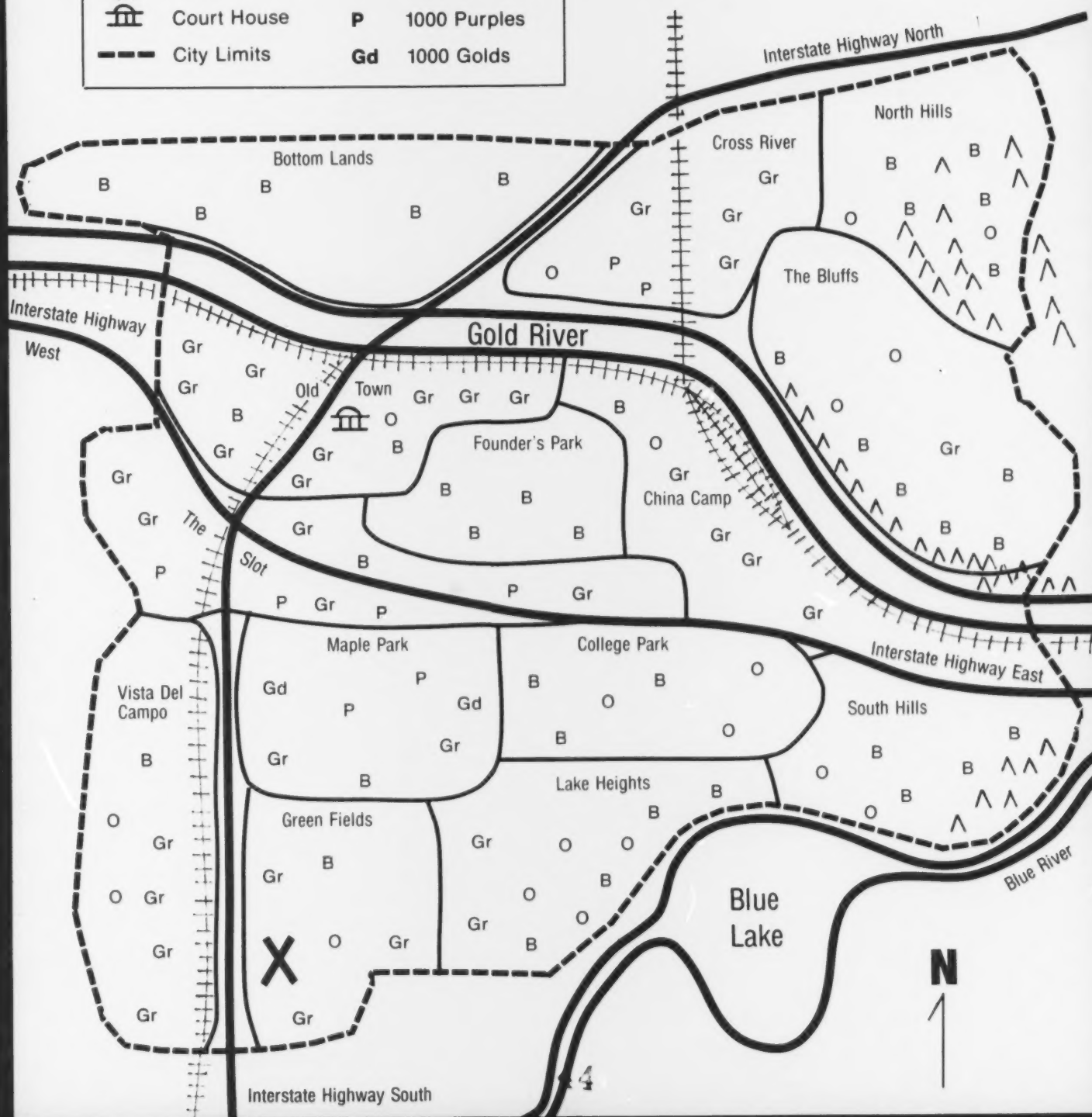


HANDOUT 3

Ethnic Distribution Map

LEGEND

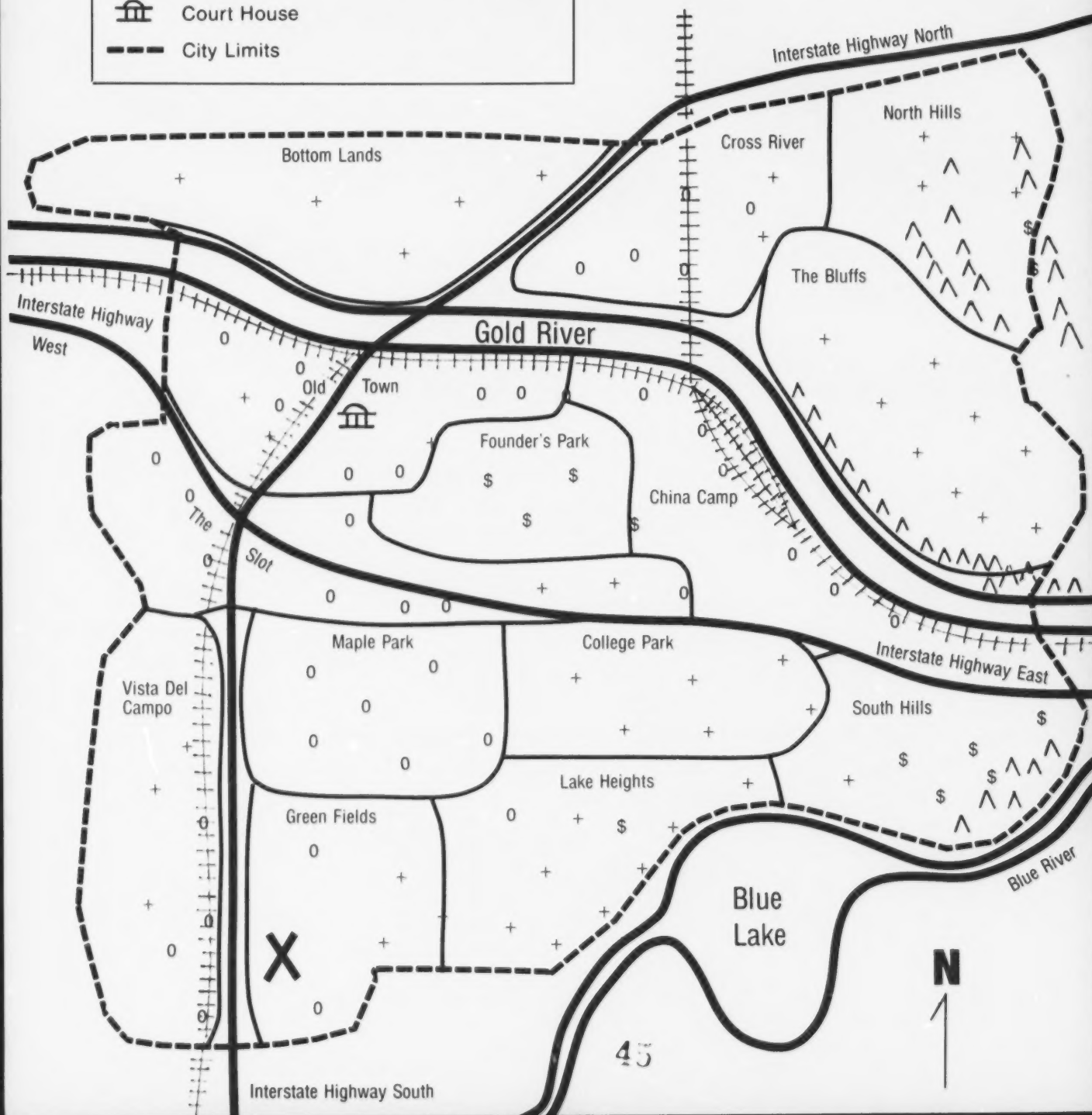
- | | | | |
|--------|-------------|-----------|--------------|
| ++++ | Railroad | B | 1000 Blues |
| ^v^v^v | Hills | Gr | 1000 Greens |
| X | Airport | O | 1000 Oranges |
| ⌈⌋ | Court House | P | 1000 Purples |
| ---- | City Limits | Gd | 1000 Golds |



HANDOUT 4 **Socio-Economic Distribution Map**

LEGEND

++++	Railroad	\$	High
~~~~	Hills	+	Middle
X	Airport	0	Low
	Court House		
---	City Limits		



**HANDOUT 5**  
**Student Reapportionment Plan Map**

**LEGEND**

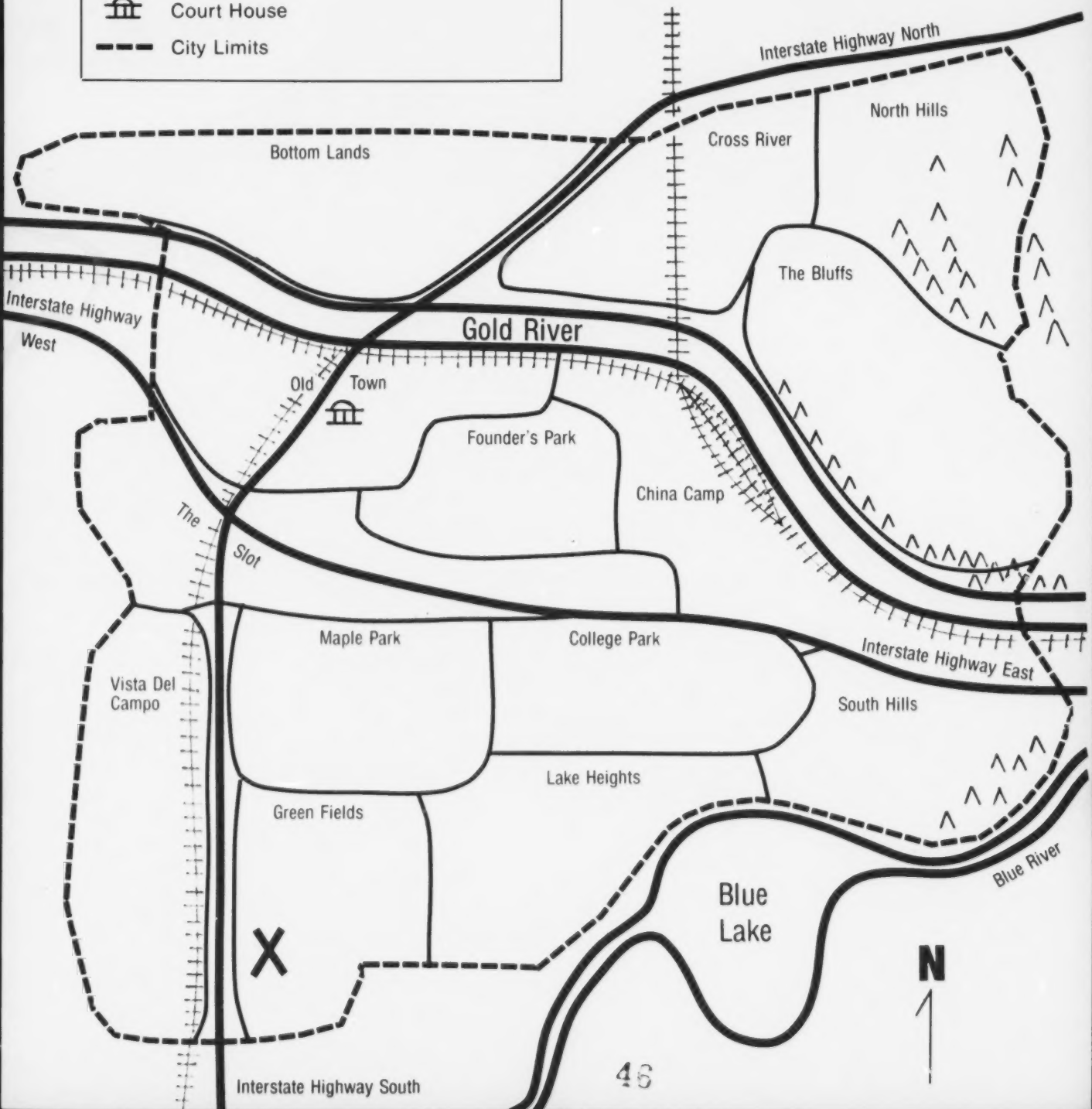
- ++++ Railroad
- ^^^ Hills
- X Airport
-  Court House
- City Limits

Name _____

Date _____

Period _____

Role Assigned _____



## CHAPTER IV

# The Legislator's Dilemma: The Ideal and the Reality of Decision-Making

In a state of over 28 million people, a Senator represents 700,000 and an Assemblyperson 350,000. Even at first glance, it's easy to see why the legislator's role in keeping everyone happy is difficult. Our government leaders daily decide courses of action which will affect residents of California for years and decades into the future. Legislators plan and carry out **public policy** through enacting laws and appropriating money for programs like public education, health and welfare, highway construction and maintenance, conservation, crime, and police protection. Over a nine-month session thousands of bills come before the Legislature and its committees. Considering the number of bills and the likelihood that each measure will have supporters and opponents, all of whom must be kept reasonably happy with their decisions for legislators to be re-elected, how does a lawmaker decide how to vote?

### The Ideal of Democratic Leadership

Ideally, our federal system is designed so that we, the people, will elect men and women of wisdom with the greatest integrity and the highest ideals to public office. Guiding principles for decision-making are found in the Declaration of Independence, and the federal and state constitutions. The Declaration of Independence speaks of the "unalienable Rights of Life, Liberty, and the Pursuit of Happiness." With such a clear mission of unquestionable worth, it is the role of the legislator to acquire information both from experts and from citizens who will be affected by the new laws or programs, to listen to opposing forces, to weigh the issues, then to make decisions through casting votes for or against a proposed law or appropriation.

Consequences of government action or inaction fall upon individuals, society, the economy, and the environment. Choices made today will preserve or deny freedoms and job opportunities to thousands or millions. These same choices may conserve or waste our natural resources. The legislator must consider both short-range and long-term **implications** of a plan.

### The Realities and Complexities of Decision-Making

As our society is **evolving**, however, a clear mission may well be a mission impossible. Conflict occurs in defining rights for particular people in specific situations. People of different sexes, races, religious groups, ethnic backgrounds, or economic needs will form special interest groups or **coalitions** to support or oppose a proposal. For example, which is more important, one individual's right to smoke in public or a neighbor's right to breathe clean air? Should governments make laws limiting the right to smoke in public places? The exercise of one person's rights may well limit the rights of another.

One general guideline which lawmakers follow in determining whether or not to vote for a bill is, Does the cost of a proposal outweigh the benefits? If so, decisions are fairly simple. Yet not all results are measurable in money. By awarding funds to certain programs, legislators achieve social goals. In the past, social goals have included care of the elderly, the disabled, the homeless, and others. Public education accounts for about half of California's budget. Health and welfare account for about a quarter of the budget, and corrections and transportation also receive major portions of support. Money is spent to-

day, but the benefits for these programs will be seen in years to come.

An example of how opposing forces may complicate decision-making came about in 1989 because Proposition 98 guaranteed that public education would receive a certain percentage of the state budget. In their deliberations lawmakers grappled with the issue of increased funding for public education, required by Proposition 98, versus supporting rehabilitation activities for high-risk young people sponsored by the California Youth Authority. Both programs serve the same ends: providing wholesome training and activities for young people that they may grow up to become decent, responsible citizens. Which program should get the money? If you reduce the budget of each, yet try to keep the activity, will enough money remain that the program is effective or will all the money be wasted? Which areas of the state get the funding — urban or rural? On these issues and others legislators must ask themselves: What alternatives to this particular plan are available? Are government agencies the most efficient means to deliver the service, or would private businesses perform better? What will be the impact on the future? What is the effect of the bill on taxes?

Another aspect of government spending is its economic effect on residents in a particular area. To understand the importance of taxes to ordinary people in a town, let's examine how government spending stimulates an area's growth. One example may be seen in the number of cities applying for the three branches of the University of California in 1988-1989. A university within or near a city attracts business and industry — providing jobs — and contributes positively to the culture of the area. The prospect of locating a new university or any other project in an area excites great interest among residents and subsequent pressure on legislators.]

In addition, projects in one region affect residents all across the state. Still another example is the State Water Project financed by a bond election for \$1.75 billion in 1960. The Project built Oroville Dam, the San Luis Reservoir, and the California Aqueduct which pumps water from the Feather River watershed and the Sacramento River and pipes it south for farmers and cities. The purpose of the project was to replenish the water basins drained by farmers during the 1928-1935 drought, to assure irrigation for dry spells for farmers in the Central Valley, and to clean farm waste water, tainted by fertilizer and pesticides, draining into the Sacramento Delta. A bitter and angry battle arose over whether water from the North should be used for farms, many owned by large corporations, and to continue the expansion of Los Angeles while depriving the North of free-flowing

white rivers and clean water in the Delta and San Francisco Bay.²³

Conflict over water continues. Some argue that sprinkle irrigation of the farms wastes enormous amounts of water through evaporation. Farmers receive discounts on their water while residents of some cities undergo strict rationing and pay high prices for their water. We have the technology to install drip systems, but they are expensive. Who should bear these costs? The farmers or corporations who have been profiting from state investments forty years ago, other California residents, who live primarily in cities, or developers who want to build more cities? Who benefits from the amount, variety, and freshness of the produce in our grocery stores? Who should pay the bills? Whose responsibility is it to make these decisions?

Do the legislators represent only their own constituents or those of their region, or the entire state? Should they consider their national and international neighbors as well? How many years into the future should legislators look? What about members of the same political party? Should they consider their national and international neighbors as well? What should legislators do when all these interests conflict with the wishes of contributors and voters?

## **The Effect of Full-Time Status on the Legislature's Effectiveness**

Adding to the difficulties of fairly representing opposing forces, legislators must consider the political consequences of their decisions. Ironically, an attempt to make the Legislature more professional has had the consequence of making lawmakers even more susceptible to the need to curry favors with wealthy donors. In 1966 voters approved a ballot measure that made being a legislator a full-time job. This made the stakes very high at every election time. A loss of an election is the loss of your livelihood. Fundraising for campaigns became perhaps the most important legislative activity.

The result now appears to be an inability of the legislators to make decisions and to take effective action on complex issues. For example, in November of 1989, California voters had to decide between five propositions relating to automobile insurance because the Legislature had been unable to find a fair solution to reduce automobile insurance rates across the state. In this instance and at other times, the Legislature has gone directly to the people for a decision by placing propositions and amendments on the ballot themselves. Also people now offer their own solutions for issues through the initiative process. More and more decisions are being turned over

to the voters.

Complications of the trend toward policy-making at the ballot box appear to be that language in the propositions which seems to be simple and straightforward often involves unforeseen complications. Proposition 13 and the Gann Spending Limit slashing taxes 58% and requiring that excess collections be returned to taxpayers were relatively straightforward, yet an inequitable situation with neighbors in similar homes paying markedly different tax rates has resulted, and the state is able to provide fewer essential services because of insufficient funds.

Still another consequence is the increase in advertising for and against the various propositions, raising a number of issues. Wealthy special interest groups standing to profit from the proposal may have the budgets to deluge newspapers, television, and radio with subtle endorsements while poorer opponents lack the funds to present their point of view. Another key issue in the advertising is the amount of distortion created by reducing complex arguments to a 10 or 30-second TV spot, creating problems of unfairness and lack of opportunity to respond. Finally, the question arises of how many citizens, having the responsibility now to make these decisions, will take the time to gather the information, sort out the arguments, and make informed decisions?

### **Summary**

With the constantly increasing pressures on

state government, leadership and decision-making are becoming more difficult. An understanding of the complex factors affecting decisions and widespread consequences will help students as they seek and evaluate information on issues in which they are interested.

### **For Further Discussion and Research**

Consider the ethics of governmental decision-making. For example, should a Legislator answer only to the desires/needs of his district or the entire state, nation, or world as well (environmental issues). If he represents only his district, would he think about all the people of his district, simply his campaign contributors, the voters, or political party. What if the greatest good for one element of his constituency harms or limits the options of another element? (School funding vs. lower taxes, for example) Consider the problems raised by campaign contributions and how they affect a Legislator's vote.

Choose an issue from the attached readings. Analyze which groups might be for or against your issue and how they might or do approach their legislators. Recommend legislation concerning the issue. Your arguments supporting your legislation should include consideration of how your recommendations affect various interest groups and long-term consequences.

## **Readings and Supplementary Materials**

*Continued on next page*

## THE ETHICS JUNGLE

# Can We legislate virtue?

By A. G. Block

*"If I am not for myself, who will be for me? If I am for myself alone, what am I? If not now, when?"* — Hillel

**O**n April 19, 1990, the California Legislature passed an ethics bill (see box, page 285). The vote was 34-0 in the Senate and 71-1 in the Assembly. On May 4th Governor George Deukmejian signed the bill into law. Thus ended a year-long effort to craft a code of conduct meant to deter corruption, curb the worst excesses of wealthy special interests, and change public perceptions that California government was for sale to the highest bidder.

The new ethics law applies to legislators, other elected state officials and top state employees. It bans outside speaking fees and honoraria; limits gifts to \$250 from one source; imposes a one-year ban on lobbying by office holders once they leave office; imposes up to \$2000 in fines on legislators for violating existing conflict-of-interest codes; makes it a conflict-of-interest, subject to certain penalties, for members of the State Board of Equalization to vote on matters affecting contributors who donate more than \$250 to their campaigns; and requires legislators, legislative staff, and lobbyists to take a course on standards of ethical conduct at least once every two years. Some of these provisions take effect only if Proposition 112 is approved by voters in the June 5th primary (see "Ballot Booklet," *CJ*, April 1990).

Assemblyman John Vasconcellos, the San Jose Democrat who served as chairman of the Assembly Select Committee on Ethics, touched on the importance of this

legislation when he told the *Los Angeles Times*, "It makes it clear this Legislature can act to assure the public that we are ethical and persons they can trust."

Did government have an ethics problem? And, if so, does the new law solve it? Does a code of conduct restore public faith in government? Or is a code only part of the solution? And what are the consequences if there is no solution?

One hears constantly from lawmakers and other elected officials that the perception of a government tainted by influence-peddling and corruption is overstated. They complain that it is a product of media hype and paranoia, fostered by the notion that the public does not understand the complex and intricate nature of legislating. They argue that public officials today are far less corrupt than their 19th Century predecessors. After all, goes the refrain, back then, the Southern Pacific Railroad virtually owned California government; or, 40 years ago lobbyist Artie Samish ruled key legislative committees from a suite at the Senator Hotel; or, 20 years ago lobbyists, legislators, reporters and legislative staff wine and dined nearly every night, with lobbyists passing the tabs on to their special-interest employers. The present situation is not nearly so tainted, they say.

"Standards [of behavior] are constantly in flux," said Edwin Epstein, who teaches business and public policy at the University of California's Walter A. Haas School of Business in Berkeley. "Practices which 100 years ago ... were viewed as SOP [standard-operating-procedure] are no longer acceptable. We are constantly ratcheting upward our expectations as to what is appropriate behavior. Each incident causes that ratchet to move."

Epstein, who has written widely on the subject of

campaign finance, explained that the flux is caused in part by the schizophrenic nature of the American political character. We are, he said, both idealists and pragmatists. On one hand, we value the strong American political tradition of altruism, of obligation, public duty and public service — a tradition best expressed when the late President John F. Kennedy challenged Americans to, "Ask not what your country can do for you, ask what you can do for your country."

But Epstein sees another American political tradition existing side-by-side with altruism: a venality embodied in the practices of big-city machines, in the worst aspects of American racism, in scandals that surfaced throughout the Reagan administration, in the conviction of Democratic state Senator Joe Montoya, and in the on-going influence-peddling morass surrounding the collapse of Lincoln Savings and Loan (see "The Ethics Jungle," *CJ*, April 1990).

"Both Kennedy and Reagan are part of the American political personality," said Epstein. "We are people who admire entrepreneurship and have a notion of almost nihilistic freedom of liberty to do what you want. At the same time, we're the society that invokes egalitarian imagery. We see ourselves as a very noble society."

The tension between these two halves of the American soul is most evident in the political process where winning is paramount and where, for the participants, the ends may become more important than the means employed to achieve those ends. It is American pragmatism: Do it anyway you have to, get the job done.

Often, the two strains cross and interrelate. For instance, without the influence and vote-creating power of Chicago Mayor Richard J. Daley's big-city machine, John Kennedy may never have been elected president in 1960.

**P**erhaps the best examples of how noble ends are wrought from ignoble means are the careers of successive presidents, Lyndon Johnson and Richard Nixon. According to biographer and historian Robert Caro, the Johnson presidency marked the nation's first massive attempt to deal with poverty in America and propelled Black Americans along the road to electoral equality through the Voting Rights Act of 1965.

"Many of the ends of Lyndon Johnson's life ... were noble," Caro wrote in his recent book "Means of Ascent," "heroic advances in the cause of social justice ... many liberal dreams might not be reality today were it not for Lyndon Johnson."

"Those noble ends, however, would not have been possible were it not for the means, far from noble, which brought Lyndon Johnson to power."

Among the means: buying votes to steal victory in the 1948 U.S. Senate election; lying to colleagues and constituents; distorting his war record; acting in secret to cloak his aims and confuse his foes; using political privilege and power to accumulate an enormous personal fortune and to crush real and perceived enemies. Johnson's unethical means set the tone for his entire political life. And when he applied them to the presidency, and ultimately to conduct of the Vietnam War, he raised suspicions about truthfulness in government that eroded public trust in government.

The notion that presidents can, maybe even should, deceive, was one Johnson passed on to Richard Nixon who, despite ending the Vietnam War and his triumphs in foreign policy, exacerbated public mistrust with Watergate and ultimately crippled the presidency during his second term.

There were codes of conduct during Johnson's term.

There were laws to prevent the kind of obstruction of justice that the Nixon administration engaged in during 1973, just as there were laws which proscribed the kind of activity for which former state Senator Joseph Montoya was convicted earlier this year. But codes of conduct and laws were not enough to prevent unethical behavior, even at the apex of



American political life. But codes are no substitute for an internal sense of right and wrong. None of these leaders, at least in public, acknowledged they had done anything wrong.

In a democratic society, the means are as important as the ends. This seems especially true in the political arena, because the political system casts a tone for all of society. Like it or not, lawmakers and other governmental officials set the pace; if they treat public office as some kind of private reserve to be milked for personal gain, or in strict self-interest, the public grows disaffected, distrustful and cynical. Rather than revolt, it disengages. This is dangerous, because the health of any democratic society depends on an active and participatory citizenry.

That is why events surrounding passage of California's new ethics bill are both reassuring and troubling. They are reassuring because the Legislature chose to deal substantively with the issue rather than throw words at it. They are troubling because subsequent actions of lawmakers and the Deukmejian administration call into question both the Legislature's motives and whether government officials understand why the bill was necessary in the first place. For this law to restore public confidence and trust in government, as Vasconcellos and others hope it will do, the public must believe that the Legislature's efforts were sincere. Creating a healthy ethical environment involves more than a code of conduct.

"Westerners are rule-driven," said Edwin Epstein. "So, we tend to see ethics in terms of universalistic rules about good and evil, right and wrong. In Asia, however, it's not so simple. They take a much more situational perspective where relationships and past dealings loom important. In Indonesia, for example, part of the view of ethics is also esthetics — what is seemly, what is appropriate, what is consistent with the expectations of society."

But you cannot codify esthetics. Nor can you legislate character or compel virtue. And a healthy ethical environment does not derive only from a set of rules. It derives from that which you cannot legislate or codify — from moral character which affects how individual and collective judgments are made, how conflicts are resolved and how priorities are ordered. And it is improving ethical character that is the central goal of society's — and, by

force of political nature, the Legislature's — reemerging preoccupation with ethics.

George Will, in his book "Statecraft as Soulcraft," compares society to a Calder mobile: Touch it here, and it trembles there. "Beliefs, habits, mores, dispositions are connected to one another in subtle ways and are related to behavior in many ways," he wrote. One might add that the trembling often is most violent at the farthest point from the touch.

The fulcrum of a democratic society's mobile is its social institutions, primarily its government. The tremble now rippling through this government and out to society's very edges is the belief of growing numbers of people that government no longer is responsive to ordinary citizens and no longer capable of judging issues fairly among competing interests, that its decision-making process is tainted by money and the influence of those wealthy enough to buy their way in as players.

You cannot separate the Legislature's code of conduct from the necessity for having the code: to address public mistrust in a meaningful and sincere way. So, it is troubling when lawmakers express a narrower view. In conversation after conversation, interview after interview, legislator after legislator said that honoraria and expensive gifts ought to be banned not because it was wrong to accept them but because the *public thought* it was wrong. And most lawmakers disagree with the public: they do not think they are unduly influenced by an honorarium, or by a gift. For instance, as the ethics code was being debated in a two-house conference committee, Assembly Speaker Willie Brown Jr., a member of the committee, complained that the new law would interfere with what he called "normal social interaction," like accepting free tickets to the Academy Awards ceremony.

"I don't think anyone in his right mind would suggest there is anything wrong with going to the Academy Awards," Brown was quoted in the *Los Angeles Times*. "I



think we ought to think about what we're doing to ourselves." Brown eventually voted for the bill, including the provision limiting gifts to \$250 per source, per year.

The logic behind the ban on honoraria is also troubling when one views the ethics bill in the context of public trust. Honoraria are banned only if Proposition 112 is approved by voters. Among other provisions, Proposition 112 will establish an independent commission to set legislative salaries, presumably upward. Are honoraria good or bad? Does an honorarium corrupt a well-paid legislator but not corrupt one who is underpaid? What is

the public to make of this somewhat confusing rationale? And does linking the honoraria ban to a sure-fire pay raise spark questions about the Legislature's motives? Does it breed a kind of creeping public cynicism that may begin to erode trust in those motives?

There are other troubling aspects, as well. In the two weeks between passage of the bill and the governor's signature, a controversy arose over the so-called "revolving door" provision meant to prevent legislators, legislative staff and high government officials from lobbying government for one year after leaving office. Members of the Deukmejian administration were concerned that the bill was unfair to those who stayed on the job to the end of the governor's second term. Thus, the administration decided to ask for an exemption for those officials. The exemption was necessary, administration officials argued, because the law goes into effect on January 1, 1991 — one week before Deukmejian leaves office. Those who resign their posts on New Year's Eve would immediately be able to lobby; those who rode to the end of the term would not.

**B**ut arguing over one week ignores the reason for the rule in the first place. By passing this portion of the code, the Legislature declared that this kind of lobbying was unacceptable behavior. The Legislature did not say that the behavior was acceptable on December 31st and unacceptable on January 1st. It said the behavior was unacceptable.

So, what is the public to think about a subsequent action which seems to say, "Lobbying under these circumstances is unacceptable but not for these people over here?"

Deukmejian officials counter that it is unfair to officials who stay until the end of the governor's term. But once the governor signs this rule into law, whether the timing of it is fair or unfair to a particular group of people is irrelevant.

These controversies highlight the perpetual tension between the ideal of ethics reform and problems inherent in applying that reform to the pragmatic world of politics. To ease that tension, and to display a real commitment to improving government's ethical state of mind, there now must arise a kind of internal vigilance within government itself. Too many legislators are, as Edwin Epstein explained, "rule-driven," believing that the written word in an ethics code is all there is to ethical behavior. If it isn't illegal, by definition it must be all right, causing codes of conduct to replace an internal sense of right and wrong.

Leadership must step forward to emphasize that certain behavior is unacceptable, even behavior that may fall within the letter of the law. The Legislature, for instance, cannot tolerate another Joe Montoya. If legislative leaders tolerate a Joe Montoya — indeed, keep him in a sensitive position of power — they signal to society that it is okay to behave like Joe Montoya. They define the culture of the Legislature in terms of Joe Montoya.

Passage of a code of conduct may reduce some Montoya-like excesses. But the code also ratchets public expectations one more notch. Should those expectations not be met, the erosion of confidence in government may continue apace, causing the public to further disengage from interest in the affairs of government.

And therein lies the real danger.

*"When you realize [Athens'] greatness, then reflect that what made her great was men with a spirit of adventure, men who knew their duty, men who were ashamed to fall below a certain standard."*

— Pericles ■

# **Lesson Plan and Activities**

## **Student Surveying Activity**

### **OBJECTIVES**

- To assist students in identifying issues facing California citizens.
- To develop knowledge of state government offices in the community and learn how to contact members of state government in Sacramento.
- To solicit information and tabulate data that has been collected.
- To produce an oral presentation that includes an analysis of data that has been collected.
- To produce graphs and charts from data that has been collected.
- To develop a written report summarizing and analyzing data collected in the California State Government Survey.

### **NOTES TO THE TEACHER**

The purpose of this activity is for students to generate, tabulate, and evaluate data in a research project. It is also important that students contact (either in writing or by personal contact) state personnel. This might include clerical or administrative staff people. The data might be gathered on a field trip to the State Capitol in Sacramento or to local state government offices. However, if the instructor so desires, the survey may be employed to sample local community attitudes, as well as, or in place of, state government personnel attitudes.

It should also be noted that obtaining a sampling of 100 people will make the tabulation of data easy for students since raw number counts will be the same as percentage responses. It also means, too, that each student need only survey three to five individuals. (i.e., In a class of 25 students, an average of four people need to be surveyed to get the 100 samples needed.) A few extra surveys will ensure that tabulation of data will include exactly 100 responses. In this way, the instructor will not need so much time teaching math and statistics and can spend more time helping students with scientific method. Final student data can easily be converted to line, bar and/or pie graphs.

If the instructor desires, the survey questions can be changed or an entirely new survey can be developed in class to replace the one provided. The problems here are time and quality of the finished product. It is recommended that the five categories under status be kept, so that the data collected can be looked at in five different ways.

You will need copies of the following materials:

- Handout 1 Research Project Format sheets
- Handout 2 California State Government Survey
- Handout 3 Capital Focus Survey results

### **PROCEDURES**

1. Students in class should be divided into five groups. Each group will be responsible for gathering responses to the "California State Government Survey" from twenty people working in the legislative, executive or judicial branches of California government. This can be done through the mail to legislators, elected executive branch officials, or state court system personnel and judges, or may be done in person at state government offices in the local community. A trip to the California State Capitol to collect data would add meaning to a field trip that might otherwise be just a tour. The telephone book and/or the *California Journal's Roster and Government Guide* may be used if surveys are to be sent through the mail or taken to local state government offices.

2. Each group will be assigned a status group from the survey (i.e., males and females) for

which data will be analyzed. Before administering the survey, each group of students should develop a hypothesis regarding how its status group will respond to the survey questions. The Project Format Sheet and the California State Government Survey should be distributed at this time and discussed with the class.

3. Each student should be assigned to administer five surveys. When all surveying is done, 100 surveys will have been administered. Each group will then have the task of analyzing and synthesizing the results from the 100 surveys. The first group will tabulate the views of males versus females. The second group will compare the responses of people from different economic groups. The third group will analyze the views of different age groups. The fourth group will look at the views of political groups. The fifth group will compare and contrast the views of various ethnic group members.

4. Tables, charts, and graphs must be made by each group to present its findings to the class. These charts should support the original, new or amended hypotheses regarding the views of their status group.

5. Each student should be expected to take part in his/her group's oral presentation of data. Each group should note how its original hypothesis was either supported or altered. The responses of the different status groups can be discussed and compared. By following the Research Project Format Sheet, the students can give a well organized oral presentation. Each student can be assigned one portion of the presentation as it is organized on the format sheet.

6. Each student should be expected to submit a written research paper one week after his/her group's oral presentation. Each paper should follow the Project Format Sheet. Although each student is expected to present only a portion of the oral presentation, *each student is expected to do and submit a complete written research paper.*

7. This entire learning activity should take approximately four weeks. After introducing and distributing materials, it should take the students about two weeks to distribute (mail) and receive responses outside of class time. During the third week (after all surveys have been completed and returned), the students should be given two or three class periods to tabulate data and begin making charts and graphs. During the fourth week, students can prepare and make oral presentations (two or three class periods will be needed). One week later, written papers should be collected for evaluation. Students might help in the evaluation process by grading their own efforts and those of their fellow group members.

### EVALUATION

The instructor should evaluate student progress observation of student participation in groups. The instructor should evaluate performance in tabulating data and in constructing charts and graphs. The instructor should evaluate oral presentations on a group and individual basis. Members of the groups might be asked to participate by evaluating themselves and fellow group members. The instructor should evaluate written reports as a final demonstration of student ability to use the scientific method.

**HANDOUT 1**  
**State Government Surveying Activity**  
**Research Project Format**

*I. Topic*

- A. What status group are you analyzing?
- B. Who is in your group and what is your group going to find out about your status group?
- C. What tentative hypothesis did your group arrive at regarding the views of groups within your status groups?
- D. How were tasks for the group report divided among individuals for the oral presentation?

*II. Data Collection*

- A. Discuss your target population.
  - 1. Who did you survey?
  - 2. How many people did your group and the class as a whole survey?
- B. How did you gather the data (through the mail, in person or both)?
- C. Describe any variables that might have affected the collection of data.

*III. Tabulation of Data*

- A. Give a brief synopsis of methods used.
- B. Give results for each item surveyed.

*IV. Findings*

- A. Display and present most significant data using charts and graphs.
- B. Summarize and discuss significance of findings.
- C. Was the group's original hypothesis validated or were there some surprises?

## HANDOUT 2

### California State Government Sample Survey

#### Sample

- What is your sex? ☐ Male ☐ Female
- To which economic group do you belong? ☐ under \$30,000 per year income  
☐ over \$30,000 per year income
- To which age group do you belong? ☐ under 30 years of age  
☐ 30 to 50 years of age  
☐ over 50 years of age
- To which political party or political philosophy do you belong or most closely associate your political attitudes? ☐ Democratic ☐ Third Party Conservative  
☐ Republican ☐ Third Party Liberal
- To what ethnic group do you belong? ☐ Anglo ☐ Asian ☐ Black  
☐ Latino ☐ Other ☐

#### View of Government

1. Should people be required to wear protective helmets when riding on a motorcycle?  
☐ Passenger and driver should be required to wear a helmet.  
☐ Helmets should not be required for driver nor passenger.
2. How do you feel about the death penalty?  
☐ It should be abolished.  
☐ It should be used on rare occasions and should only be used after a unanimous vote of a jury.
3. Which of the following best exemplifies your view of the minimum wage law in California?  
☐ The current minimum wage should be lowered to cut consumer prices and take advantage of large numbers of immigrant workers.  
☐ The current minimum wage is fair as it stands.  
☐ The minimum wage should be raised to meet rising inflation.  
☐ The current minimum wage rate takes advantage of young people and goes against the efforts of organized labor.
4. What should state government concentrate on with regard to alcohol abuse?  
☐ Drunk driving and juvenile drinking laws need to be made tougher.  
☐ Efforts should be restricted to stopping drunk driving.  
☐ Laws and programs need to attack the problem of juvenile alcohol and drug use.  
☐ The state should concentrate on the use of illegal drugs and not on the use of alcohol.
5. What should the state do about the AIDS crisis?  
☐ The state should create and support more agencies and research centers to combat the AIDS virus.  
☐ It should pass laws to quarantine AIDS victims and carriers and possibly prosecute individuals spreading the disease.  
☐ It should stay out of the AIDS controversy and provide no more funds nor laws than it would for other public health concerns.
6. What is your point of view regarding teenagers and abortion?  
☐ Teenagers must first have parental consent to undergo an abortion.  
☐ Abortion should be banned, because it is an act that takes a human life.  
☐ Teenagers should have the right to decide for themselves about whether or not to undergo an abortion.  
☐ Teenagers should have the right of abortion and their rights to privacy should include keeping their parents out of it.
7. Rank the following actions (1-5). These are actions which the state government could employ

to maintain and improve the ecology of California. Rank the most desirable action one and then the other actions, in order, downward to a ranking of five for the least desirable action.

- _____ Heavily fine or close down entities that pollute air, soil, or water.
- _____ Increase toxic waste clean-up efforts.
- _____ Protect the public domain by stopping or restricting development of state lands.
- _____ Reduce the cutting of state timber resources.
- _____ Encourage business and the utilization of state resources.

8. Which of the following should benefit from added state revenues? Rank each in order of importance (1-6).

- _____ Improvement of state transportation
- _____ Public works projects
- _____ Support of education
- _____ Law enforcement and prisons
- _____ Unemployment, health, and welfare benefits
- _____ Environmental protection and clean-up



## CALIFORNIA ISSUES: WHAT DID CALIFORNIA'S YOUTH THINK?

On April 24-27, 1988, one hundred twenty-five high school students from a cross-section of communities in California assembled in Sacramento for Capitol Focus Project's spring program. They examined more than twenty issues facing citizens and policy-makers in our state. After hearing contrasting perspectives from professionals at the Capitol, they marked their ballots. Here is a sample of their vote on a variety of issues:

### Capitol Focus Ballot Results

	<u>Yes</u>	<u>No</u>
<b>School Drop-Out Problem (SB2802):</b> Should high school drop-outs lose their driving privileges?	15%	85%
<b>Bilingual Education:</b> Should categorical funding for mandatory bilingual education programs statewide be re-established by the state legislature?	49%	51%
<b>Curbside Recycling (AB2877):</b> Shall state-funded curbside recycling programs be established in California?	65%	35%
<b>Adjustments to State Spending Limitations (Proposition 71 on June Ballot):</b> Should the so-called "Gann Limits" on state spending be adjusted to allow for increased expenditures for education and other areas as provided by this initiative?	68%	32%
<b>Concealed Weapons (AB618):</b> Should the permit requirements to carry a concealed weapon be relaxed?	16%	84%
<b>Mandatory Motorcycle Helmets (AB36):</b> Shall motorcycle riders be required by law to wear helmets?	58%	42%
<b>Automobile Insurance Reform Proposals (SB187):</b>		
No-Fault Insurance:	47%	53%
Rate Regulation Board:	82%	18%
<b>Mandatory Parental Consent For Abortion:</b> Shall minors be required to obtain parental consent prior to an abortion?	11%	89%
<b>Race for the United States Senate</b>		
Senator Pete Wilson-R:	50.6%	
Lt. Governor Leo McCarthy:	49.4%	
<b>Campaign Reform Proposals</b>		
Public Financing of Campaigns:	50%	50%
Spending Limits by Candidates:	75%	25%
Prohibit Transfer of Campaign Funds:	68%	32%

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## CHAPTER V

# Making Government Work for You

The founders of our nation conceived of a legislature as a "free marketplace of ideas,"²¹ a place where people could participate in governmental decision-making. All too often, however, government seems to be mysterious and impersonal, out of reach of the ordinary citizen.

Such is not the case in California. Modeled upon the national concept, the California Legislature surprises many from out of state because decision-making is carried out in public with advance notice of meetings rather than secretly behind closed doors. Thus, California citizens who know the legislative process and how bills are made into laws can be successful in making government work for them.

Why would anyone want to influence legislation? You might wish to get a law passed, a friend appointed to an important position, or favorable treatment from an administrative agency. On the other hand you might be opposed to a bill, or you might want to have an elected official removed from office, or wish to prevent proposed regulations. Whom do you talk to? The power to make such decisions rests in the hands of a relatively few people: the 120 members of the Legislature and the Governor, all of whom rely on top aides for support in developing recommendations for bills and approving or vetoing legislation. To influence legislation, however, a citizen or special interest group also needs to know how a bill becomes a law and to be able to persuade, talk to, or lobby the people whose votes are needed for passage.

### Keep Informed . . .

Daily information about events in the Legislature and the state is the first step for any citizen who wishes to participate in state government. Almost

eight thousand bills were introduced before the Legislature in 1988. Any bill can be amended in committee or by either house so that its meaning changes overnight. Court decisions can cause an unexpected crisis. Unforeseen issues can arise demanding legislative decisions. Unfortunately, the combined entertainment news purpose, the wide range of events to be covered, and especially the very brief time devoted to any one story on commercial radio and television limit the amount of information about government events available to the public through these media. News can be obtained, however, from a number of other sources. Staying up-to-date on events will enable people to use a variety of techniques to make their voices heard much more effectively.

### Legislative Documents

*Daily Files* The Daily File for each house is an agenda of the day's business. It lists all bills that are ready for debate on the floor and all bills set for hearing in committee. Other information, such as the membership of committees, can be found in the files.

*Daily Journals* The Daily Journal of each house contains a reliable account of that chamber's proceedings for the previous day. The roll call vote on all bills debated is included. The text of amendments and some messages are also printed in these journals.

*Histories* The Daily History records the action taken on all measures on the file for that day and all committee actions on bills. Weekly Histories and a Final History at the conclusion of each session are also issued.

*Index* The Legislative Index lists, by subject, all bills introduced and contains tables showing which statutes would be affected by proposed new laws.

## Newspapers and Magazines

*Daily Newspapers* Major daily newspapers in the state such as *The Los Angeles Times*, the *San Francisco Examiner and Chronicle*, the *San Diego Union-Tribune*, and *The Sacramento Bee* all maintain **bureaus** in Sacramento and provide daily reports both from their news staffs and columnists on Capitol activities.

*Newsletters* Most associations and organizations which support causes and bills in Sacramento communicate with their members through newsletters which give detailed information on the progress of bills and issues. Often the newsletters can generate an enormous amount of mail to influence or sway legislators.

*California Journal* This monthly magazine provides in-depth articles on legislative issues as well as other valuable publications for advocacy groups.

## Other Sources

*Libraries* usually maintain subscriptions to all of these publications. Some libraries even offer indexes on microfilm for student research into past events. Many libraries maintain copies of the California Codes which contain all the state's laws.

*Executive Agencies* provide information about their services. For example, if you call the California Conservation Corps, you will learn from the Public Information Office that this agency offers one-year jobs to youths 18-23 preserving our natural resources through building trails and planting trees. From this office you can get brochures and other information about the Corps activities. You will also learn that by calling a toll-free number 1-800-952-JOBS, you can get job applications.

The *State Telephone Directory*, available for \$5.50 from the Department of General Services, Publications Unit, P.O. Box 1015, North Highlands, CA 95660, includes a chart of all the executive agencies, their addresses, and their telephone numbers.

*Legislators' Offices* can supply constituents with copies of bills and can be expected to respond in writing to telephone calls and letters from residents in their districts. Legislators also keep district offices and schedule days to be available for questions and comments.

*Legislative Committees* publish an agenda of their **hearings**. An analysis of each bill on the agenda is available 24 hours before the hearing.

The *County Registrar of Voters* publishes a Candidate's Guide; nomination papers, some of which require signatures; and a Statement of Vote. These statistics on elections are broken down by race (for example, Senate or Assembly) and **precinct**.

## Speak Up

The process of moving a bill through the legislature is complicated and time-consuming. Individuals have the opportunity and responsibility to make their opinions known to their representatives. Legislators may be responsive to single requests, but they must also consider the welfare of many groups of citizens. The most successful citizen activists are those who know that if they can gather many like-minded people to send the same message, then their combined voices will speak more powerfully. A variety of techniques can help get the attention of Legislators and perhaps influence their vote, particularly on issues in which they themselves hold no strong opinion or which appear to be relatively straightforward.

## Organize

**Grass-roots support** may exist for an issue, but the people who join together and establish a communications system through which hundreds or thousands of people are notified to send letters, to telephone, or to contribute to campaigns through Political Action Committees are more likely to achieve their political goals.

## Write Letters

A sincere letter on your own stationery giving your reasons for supporting or opposing a measure is a very effective way of communicating with your representative. As you write, keep in mind that Legislators are people too. They like to be treated courteously and reasonably, not threatened or criticized for being in politics. Congratulate them for actions which you have liked. State your opinion or desire, then give several reasons supported by facts and/or evidence why your course is the wisest choice for the Legislator to follow. Be sure that your information is accurate and that you write before action is to be taken. Be sure to use good grammar and short sentences. Finally, send copies to the head of committees that might be hearing the bill as well as to representatives who are in agreement with your position.

## Visit Your Representative

Again courtesy is the key word. Make an appointment and be on time. Unless you are asked your opinion on other matters, discuss only one bill. Remember that even if lawmakers disagree with you at this time, they may support you on other issues. Again, lawmakers like to be praised and want to say yes when they can.

## Propagandize

Take every opportunity to bring the justice of your cause to the attention of elected officials and the media on every occasion possible. •

### *Campaign Contributions*

Contributing to political campaigns can give access to politicians and can influence votes. Money can be used to help someone gain key leadership positions or to prevent the election of an opponent.

### *Say Thanks*

Politicians like to be appreciated and praised. If a vote goes your way, say thanks but don't go to sleep because the bill can be amended or changed the next day.

## **Turn Ideas into Action: How a Bill Becomes Law**

### **The Legislature: What is It?**

The Legislature consists of two houses, a Senate with 40 members and an Assembly of 80 members. Senators serve four-year terms and represent districts of over 600,000 Californians, on the average. Assembly members serve two-year terms and represent more than 300,000 citizens.

### **Kinds of Bills**

The basic job of the Legislature is to address the state's problems through passing laws, by appropriating funds, and by confirming or rejecting the governor's appointees. Although there are several ways for **measures** to become law, the most common are **statutes** or **bills**, which can be passed with a simple majority — 21 votes in the Senate and 41 votes in the Assembly.

A second kind of measure coming before the Legislature is a proposed constitutional amendment which can be placed on the ballot by a two-thirds vote of each house and without the approval of the governor. A third kind of bill is a resolution that can be passed by either house or both. Like proposed amendments, resolutions do not need the signature of the governor. Resolutions are for the purpose of asking another agency to do something, recognizing the accomplishments of a well-known Californian or group, or establishing rules for the internal working of one of the houses. Joint resolutions send a message to Congress that the Legislature of California approves or disapproves of legislation being considered in Congress. Concurrent resolutions relate to matters presented to both houses of the Legislature.²⁵

## **The Legislative Process**

Law-making in California begins with the introduction of bills in either the Senate or the Assembly. It is "read" for the first time (just the title of the bill is read), and sent to committee. The committee hearing (discussion) on a bill is the most important step in the legislative process. After being passed by the committee, the bill is given a second reading before the whole **chamber**. After a few days the bill is read a third time, debated, and given a roll-call vote. If the bill receives a majority, it is passed. If it is defeated, any member can request another vote.

A procedure exists for moving a bill more rapidly through the Senate or Assembly. If the bill — whether amended or not — is approved unanimously by committee, the author may place it on the **consent calendar**, unless it is a revenue bill or its constitutional 30-day waiting period has been waived. On the second legislative day after being placed on the consent calendar, the bill comes up for a vote. Members may ask brief questions, but if a difference of opinion or controversy develops, the bill is returned to the third reading file. Most bills passed by the committee are also approved when voted upon by the whole chamber. The bill is then sent to the other house for consideration and follows the same procedure.

Very frequently the bill passed by one house is amended by the second house. In this case the bill must be sent back to the first house for approval of the changes (amendments). If the first house fails to accept the amendments, the bill then goes to a conference committee of both houses which prepares a compromise recommendation (conference report). If both houses agree to the compromise or reach **concurrence**, the bill is ordered for **enrollment** and sent to the governor. If not, a second and even a third conference committee can suggest solutions.

Upon being approved by both the Senate and Assembly, a bill is sent to the governor. Within 12 days the governor must either sign or veto the bill.

The annual state budget is also a bill except that it is authored by the governor and introduced in both houses of the Legislature simultaneously. This budget is required to be detailed, to include **revenues** and **expenditures**, and to compare this year's budget with the preceding one.

The budget or **appropriations** bill must be passed by midnight, June 15. No other appropriations bills may be sent to the Governor before the budget is approved except appropriations for expenses of the legislature.²⁶

Unlike the president, California's governor has the option of a line-item veto for appropriations bills.

That is, he may strike out specific appropriations or programs, thereby eliminating or significantly reducing funding for a particular project.

The Legislature has one final opportunity to act upon a bill which has been vetoed by overriding the veto with a two-thirds majority vote of both Houses. Legislators are reluctant to override unless the issue is one of great importance because overrides tend to antagonize the governor whose cooperation they need to get their own bills passed.

Upon being signed by the governor, statutes or bills go into law at the beginning of the next calendar year unless they are urgency measures which go into effect immediately. Urgency measures and appropriations bills require approval by a two-thirds vote of each house of the Legislature.

## Summary

Ordinary people can influence government. First though, they need to know how government works, then how to be successful in persuading lawmakers to vote their way. Finally, they have to be willing to spend the time and money necessary to follow measures through the legislative process.

## For Further Discussion and Research

Research the history of how legislators and legislation have been affected by the lobbying industry in California. Who have been the prominent lobbyists of the past? How have they used funding to accomplish their goals? What industries have been represented? What are special interest groups? How

are their needs represented? What natural and legislative curbs have been placed on people trying to influence legislation? What can be the long-run consequences of allowing unrestricted lobbying?

Write a plan for a lobbying campaign to persuade members of the Legislature to vote for your bill. (This might need to be more specific — e.g. compare the costs of a letter-writing campaign with entertaining one group and contributing to the campaign chest of another group.)

Develop a Self-Participation Audit for yourself, your parents, and your peers. How many hours each week do you and your group participate in school, community, and/or religious activities? What kinds of contributions do you make? What have been the benefits to the organization? The community? Yourself? What work still needs to be done? Discuss barriers to participation.

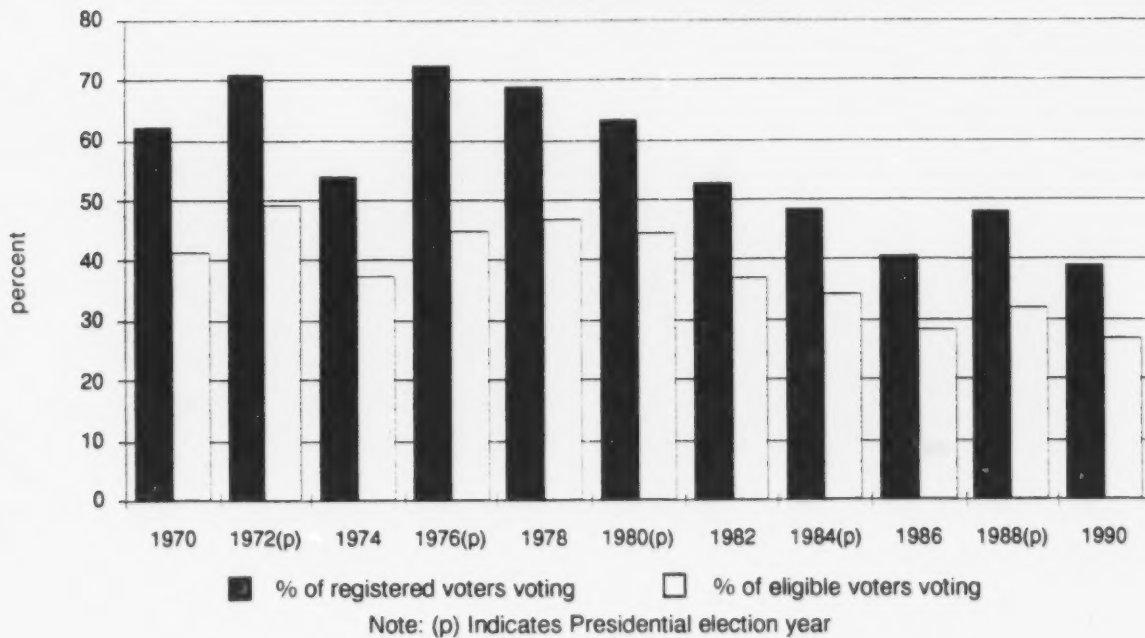
Initiate a Voter Registration Campaign for eligible seniors in your high school.

Now that you have learned about state government and collected information about California's future, re-read the Preface to this booklet. What are your predictions about life in the 21st century? Write an essay substantiating your opinion with quotations, statistics, facts, examples, and illustrations. Share your conclusions with groups of your classmates and select the best ideas to present to the class.

## Readings and Supplementary Materials

Reprinted from California Journal July 1990

### The Disappearing voter



## THE PUZZLING LACK OF LEADERSHIP

In 1951 the most popular public figure in America was not a politician. He was a soldier — General of the Army Douglas MacArthur, commander of United Nations forces in the Far East. The leading politician of the day, President Harry Truman, raised barely a blip in the Gallup Poll and faced a tough reelection campaign the following year. Yet, Truman sacked MacArthur after the general refused to subordinate himself to civilian authority during the Korean War.

MacArthur's firing was necessary to avoid a constitutional crisis, the nuances of which were lost on most Americans. To them, MacArthur was a hero of Olympian dimensions, a mystical symbol of the best in America itself. His departure in the middle of a war was unthinkable.

Truman's action required political courage and was a rare instance when the character of a leader emerged to place the common good above self-interest. The predictable vilification Truman later received ended any hope he had of holding onto office. He chose instead to retire. But Truman's vision of the presidency went beyond the fate of one politician, even when he was that politician. He understood the threat posed to the presidency and the Constitution by MacArthur's insubordination.

The Truman-MacArthur episode reveals a potential paradox of effective leadership. The firing of Douglas MacArthur was a resolute and courageous act although, politically, it was suicide.

Today, courageous and visionary political leadership seems in short supply, both in California and across the country, at a time when it is desperately *(Continued on next page)*

needed. The problems and challenges facing society are complex and require innovation, boldness and statesmanship. In California, armed gangs roam unchallenged through poor neighborhoods; the urban transportation system is grinding to a halt; nearly as many high school students drop out as graduate, while many who do graduate seem ill-equipped to become productive and literate members of society; the environment grows increasingly contaminated; large numbers of immigrants pour into the state, overburdening schools, social-service and health-care systems; funding for government at all levels is muddled and patched together with band-aids. And people show an increasing indifference toward the system designed to cope with these problems — government. This past April in Los Angeles, less than 20 percent of the eligible population bothered to vote for mayor.

Meanwhile, political figures seem long on ambition but short on leadership. Substantive debate has all but disappeared from political campaigns, replaced with posturing and demagoguery. The leading presidential candidate is content to campaign with vague symbols and misinformation, calling for "a kinder, gentler nation" without explaining what it means or proposing how to get there. Legislators, preoccupied with internal politics, trivialize their institutions, offering few, if any, substantive programs, practicing government by abdication. The media exacerbates the situation by ignoring politicians' minds

and focusing instead on their manners.

In California, the governor acknowledges that his budget does not contain enough money to adequately fund education, health care, transportation and social services. He then points to a state spending limit and says, "It's the best we can do." He offers little more than a shrug.

In California, the Legislature dawdles through half-hearted attempts to reform the auto-insurance system, fails, then retreats to the sidelines as voters struggle to decide among five self-serving initiatives shoveled onto the ballot by various special interests.

Is this the best society can expect from its political leaders? What is effective leadership, and why does it seem in such short supply?

According to historian Carlo d'Este, leadership is "an intangible combination of factors," invisible qualities that add up to far more than "the authority that automatically devolves from rank or position." First among those factors are vision and character. Of equal importance is the ability to motivate people to follow.

In a broad sense, vision implies an understanding of who we are and who we should become as a people, as a society — our dreams, our goals, our accomplishments. It was best articulated by the late Robert Kennedy, who said, "Some men see things as they are and say, 'Why?' I dream of things that never were and say, 'Why not?'" It is John Kennedy challenging America in 1961 to place a man on the moon by the end of

the decade. It is Martin Luther King Jr. dreaming of universal brotherhood on the steps of the Lincoln Memorial. It is Ronald Reagan restoring pride in being an American. It is a gut sense of the common good over the narrow self-interest.

Vision without character, however, is a facade. Character involves integrity, courage and the tenacity to maintain one's ideals in the face of failure and repudiation. It means not only proposing novel ideas for solving problems but the willingness to pursue those ideas, however unpopular at any given moment. It means accepting responsibility for failure and false starts. Abraham Lincoln was many times a failed office-seeker. So, too, was Pat Brown. Winston Churchill's political career resembled a roller-coaster.

Finally, a leader must seduce the public. He or she must inspire people to accept the vision and follow his or her path toward the goal. Eugene McCarthy had both vision and character when he ran for president back in 1968, but the former Minnesota senator could not get enough people to follow his lead. Nor could Socialist Eugene Debs on the several occasions when he sought the presidency.

There are other "intangibles" as well: intelligence; the ability to articulate one's vision and to inspire widespread confidence; the personal confidence to hear and appreciate opposing points of view; the flexibility to compromise without losing sight of the goal; the pragmatic where-with-all to get things done. ■

# California's Legislative Process

## Initial steps by author

### IDEA

Sources of bills: legislators, legislative committees, governor, state and local governmental agencies, business firms, lobbyists, citizens.

### DRAFTING

Formal copy of bill and "layman's digest" prepared by Legislative Counsel.

### INTRODUCTION

Bill submitted by senator or Assembly member. Numbered and read for first time. Assigned to committee by Assembly or Senate Rules Committee. Printed.

## Action in house of origin

### COMMITTEE

Testimony taken from author, proponents and opponents. Typical actions: Do pass; amend and do pass; no action; hold in committee (kill); amend and re-refer to same committee; refer to another committee; send to interim study.

Appropriation bills, if approved by policy committee, are referred to Finance Committee in the Senate and to Ways and Means Committee in the Assembly.

### SECOND READING

Bills given do-pass recommendations are read a second time and placed on file for debate.

### FLOOR DEBATE AND VOTE

Bills are read a third time and debated. A roll-call vote follows. For ordinary bills, 21 votes are needed in the Senate and 41 in the Assembly. For urgency bills and appropriation measures, 27 and 54 votes are required. If these numbers are not reached, the bill is defeated. Any member may seek reconsideration and a second vote. If passed or passed with amendments, the bill is sent to the second house.

## Disposition in second house

### READING

Bill is read for the first time and referred to committee by the Assembly or Senate Rules Committee.

### COMMITTEE

Procedures and possible actions are identical to those in the first house.

### SECOND READING

If cleared by committee, the bill is read a second time and placed on the daily file (agenda) for debate and vote.

### FLOOR DEBATE AND VOTE

The procedure is identical to the first house. If a bill is passed without having been amended in the second house, it is sent to the governor's desk. (Resolutions are sent to the secretary of state's office.) If amended in the second house and passed, the measure returns to the house of origin for consideration of amendments.

## Resolution of two-house differences (if necessary)

### CONCURRENCE

The house of origin decides whether to accept the second-house amendments. If the amendments are approved, the bill is sent to the governor. If the amendments are rejected, the bill is placed in the hands of a two-house conference committee composed of three senators and three Assembly members.

### CONFERENCE

If the conferees fail to present a report, the bill dies. If the conferees present a recommendation for compromise, both houses vote on the report. If the report is adopted by both, the bill goes to the governor. If either house rejects the report, a second (and even a third) conference committee can be formed.

## Role of the governor

### SIGN OR VETO?

Within 12 days after receiving a bill, the governor can sign it into law, allow it to become law without his signature or veto it. A vetoed bill returns to the house of origin for possible vote on overriding the veto. It requires a two-thirds majority of both houses to override.

Urgency measures become effective immediately after signing. Others usually take effect the following January 1st.

# Lesson Plan and Activities

## Model Legislature

### OBJECTIVES

- To increase student understanding of the legislative process. Specific components of this lesson will encourage students to:
  - Analyze a current political issue
  - Describe differences between Republican and Democratic positions on issues
  - List the steps a bill must go through before it becomes a law
  - Describe the role of committees and lobbyists in the legislative process
  - Explain how the governor may check the power of the legislative branch through veto
  - Explain the legislature's power to override
  - Gain a working knowledge of parliamentary procedure
  - Explain the importance of party leaders and the party caucus
  - List special powers given to the Speaker of the Assembly and the President Pro Tem

### NOTES TO THE TEACHER

This simulation of the legislative process will take from two to four weeks. Much of what is done in the first week or two can be done in conjunction with book-lecture related studies. The actual committee work and floor hearings will take at least seven days if four-six bills are used.

1. Students need the following information in order for this activity to work:

- Party Affiliation. Students must be aware of the differences between the two major parties. Speakers, pamphlets, research on current legislation and party support of issues in the newspaper are helpful.

- Understanding of the legislative process. Students need to know how a bill becomes a law, the role of committees, and the role of the majority and minority parties in the legislative process. The students will also need to know how much power the governor has over their decisions and the outcome of their bills.

- Knowledge of parliamentary procedure. Students must know how to conduct a meeting under Roberts Rules. Role-playing with a "nonsense" bill is helpful in teaching tactics of getting the floor, limiting debate, moving the previous motion, etc.

2. You will need the following material:

Handout 1 Timeline

Handout 2 County Map

Handout 3 American Government Position Paper

Handout 4 Directions for Students

Handout 5 Parliamentary Motions

Handout 6 Sample Bill

Handout 7 Guidelines for Introduction of Bills

Voter registration cards (easily obtained at any post office)

3. Senate or Assembly - The teacher must decide if the simulation will reflect the California State Senate or Assembly. If the teacher has more than one class, one may be the Senate and the other the Assembly. The Senate is usually thought of as the more conservative house, a factor the teacher might want to consider in making class assignments.

4. Teachers will need to prepare four-six sample bills for classroom use. See attached Handout 6 (Sample Bill) for suggested format. Daily newspaper articles, bill summaries found in the *California Journal*, and calls to local legislative offices will provide the most current information on similar real life state bills.

5. Be sure the foundation work is completed. Students must have a working knowledge of the legislative process from committee through veto.

### *PROCEDURE*

1. Handout 1 (Timeline) is a suggested timeline. It may be used to help introduce the simulation and explain what will be done, how long it will last, and how the students will be graded.

2. Distribute Handout 2 (County Map). Have students draw by lot the county they will represent. These counties do not have equal population figures. Look at the county map that follows and have the students figure out how many Senators or Assemblypersons should be picked from each area.

3. Have students fill out voter registration cards and declare themselves Republicans or Democrats. (For simplicity's sake, students should only be allowed to declare themselves to be Republican or Democrat.) You may wish to have the students explain their choice in writing.

4. Have the students pick four-six issues they would like to debate in the simulation, i.e.:

- Workfare
- Changing the California primary from June to March
- Comparable worth
- Abolition of the death penalty
- Abolition of the state lottery
- Mandating that yearly budget surpluses be automatically added to the existing public and higher education general fund
- Parental consent required for underage abortions
- In election years, pick one or more popular ballot initiatives

5. Optional assignment — Have each student select an issue for a position paper. This paper serves as a vehicle for students' research of topic. Suggested requirements for this paper are included in Handout 3 (American Government Position Paper). This paper should make students wiser committee members and better able to argue for or against the bill when it reaches the floor. A fair process must be established in order for the students to choose an issue. After the class as a whole narrows the topics down, an even number of students must be assigned to each of the four-six issues. These four-six issues will become the topics of the bills to be heard. The students need to realize that they will become experts on this issue, so it is very important that they choose a topic of strong interest.

6. Optional: After students have started research on their position paper topics, conduct a class discussion on the issues and differing attitudes of Republican and Democrat legislators toward the issues.

7. Distribute Handout 4 (Directions for Students), which helps explain the process of selecting committees and conducting hearings. Handout 5 (Parliamentary Procedure Chart) may be helpful. Have students choose committee names. Have them look up the names of the Senate and Assembly committees and find names to fit the four-six bills. (For example, the Workfare bill might be heard by the Health and Human Services Committee.) If the class is doing four bills, have the students choose four committees. If the class is doing six bills, have the students choose three committees and hear two bills each. Once the students meet in these three or four committees, they may break up into subcommittees if they would like to work on two different bills.

8. Have students conduct a model legislature, electing party and house leadership. Students then select committees and chairs, draft, introduce and vote on bills.

9. Distribute Handout 6 (Sample Bill) and have students write a proposed change or addition related to their chosen issue. Handout 7 (Guidelines for Introduction of Bills) provides instructions for students on how to introduce their bills and guidelines for moving bills through the committee and floor process.

10. Allow time in class for the two major parties to caucus so they can choose their **Candidate** for Speaker/ President Pro Tem, majority and minority floor leaders, and caucus leaders.

The teacher should explain what each job entails. The party should also discuss which members would like to be committee chairpersons and vice chairpersons.

11. Debriefing at the end of this simulation is essential. Students need to be reminded that there were things done to accommodate the classroom that are not done in real life. They also should be able to fully enumerate the procedures they followed that were just like real life. Procedural questions about the legislative process, as well as questions on the bills and issues themselves should be asked in any evaluation activities.

### *EVALUATION*

Evaluation may take several forms:

- 1) Test questions written from the specific objectives.
- 2) In-class grading of student speeches and student participation in committee hearings, floor session and caucus meeting.
- 3) Grading of student-prepared position papers.

## **HANDOUT 1**

### **Timeline**

#### **Directions for Students**

1. The teacher opens the session until the Speaker/ President Pro Tem takes over.
2. Nominations are made for Speaker/ President Pro Tem (a mere formality since the majority party and minority party have already made their decisions).
3. The Speaker/ President Pro Tem is sworn in.
4. The Speaker/ President Pro Tem now swears in the rest of the legislators.
5. In the Assembly, the Speaker will announce who he/ she has chosen for committee chair and vice chair. In the Senate, the President Pro Tem will allow the Rules Committee to make those decisions. The President Pro Tem may choose a Rules Committee consisting of two majority party members and two minority party members plus him or herself. These appointments must be confirmed by the Senate as a whole.
6. The majority and minority floor leaders and the caucus chairs are announced and confirmed.
7. The Speaker on the Rules Committee in the Senate should also appoint a Conference Committee (three majority party members, and two minority party members). This committee is extremely important to the outcome of the bills. If they fail to negotiate a compromise, the bill will die before ever going to the Governor.
8. Before the start of the next session, the Speaker/ Rules Committee should get together and decide in what order the bills will be proposed to the full house. Once established, this order must be posted and the teacher must make sure that every student has a copy of the bill(s) they will have to deal with in committee. Students also need to be reminded that they will soon be delivering speeches to the floor membership following that same posted order in an effort to persuade their fellow members to pass, defeat, or amend the proposed law. Prior to the session, the teacher has written the proposed bills and made copies for each committee member. Some of these bills are in "Swiss-cheese" format - full of holes.
9. The Speaker will open executive sessions for two-three days and dismiss the legislators to work in their committees. The committee chairs must make sure that every student is heard. The committee members must watch out for these bills and propose amendments to make the bill appealing to the general floor population. Committee chairs must keep to a strict time-line. They must move the discussion along. If the committee seems deadlocked over amendments, then let the political factions caucus and propose differing amendments when the bill reaches the floor.
10. Once the bills have been thoroughly discussed in committee and amendments have been proposed, the Chairperson is responsible for getting that bill duplicated with all the proposed amendments listed. The teacher will duplicate a copy for every student. The committee may also send the bill to the floor with a recommendation of "Pass" or "Pass as amended".
11. Committee chairs are reminded to find a sponsor for the bill and the respective amendments and party affiliation (Republican, Democratic, or bipartisan).
12. During the committee meetings, the Speaker should be busy setting up the proponent and opponent speakers on the bills. A calendar of each day should be posted. The bill discussed should be named, and the proponent/ opponent speakers listed for all to see. It is important to note that students who wrote position papers did so on an issue, not a specific bill. Once the bill is proposed with the recommended amendments, there is a chance that it will not please a student and he/ she will become an opponent of the bill. Numbers of proponents and opponents do not have to be even. Just make sure a proponent speaks on the first bill.
13. After the bills have been sent to the floor by the committees, the floor sessions begin in earnest. Try very hard to keep on schedule. One bill per day is possible, and the students will get

very tired of arguing after 5-6 days.

14. The Speaker will call the floor to order, announce the bill to be heard, read the bill (making sure each student has his/her own copy in hand) and call forth the first speaker (who should be the sponsor and a proponent).

15. The speeches should be approximately two minutes in length. There are suggested directions in Handout 7 (Guidelines for Introduction of Bills). Each speaker is expected to answer questions at the end of his/her formal presentation. It is important that this question/answer period be limited to two minutes or two-three questions.

16. After all the speeches are made, the Speaker opens the floor to general discussion and possible amendments. The Speaker must try to get one bill passed or defeated per day. Students may need to be reminded to limit debate, move the previous question, or break for caucus and establish a party plan of attack.

17. If the bill doesn't pass, it means that the world will operate as it does today. Nothing will have changed. Occasionally, students lose sight of this. Reform or change come only through the passage of the bill. If the bill doesn't pass, it's status quo and students must make sure that is their desire.

18. Once a bill is killed on the floor, it may not be reintroduced until next year.

19. If the bill passes, it is sent on to the other house. The Conference Committee will need to meet to make one compromise bill out of the Assembly and Senate version. The bill has to be reintroduced for consent and then sent to the Governor's desk.

20. The teacher may choose to be the Governor, but it would be best if the students had a Governor of their own. If you have gone through the election simulation in Chapter II, you will have a democratically elected Governor.

21. Remind the governor of his/her options. There is also the possibility of an override, however slight.

# **HANDOUT 2**



**BEST COPY AVAILABLE**

### **HANDOUT 3**

## **California Government Position Paper**

100-point total for research paper

- 25 points for research packet of three articles on topic with important information highlighted. This is to be included at the end of your paper to replace footnotes.
- A B papers will be seven, eight, or nine paragraphs, approximately four typed pages.
- C D papers will be five or six paragraphs long, approximately three typed pages.

#### *Paragraph One:*

The purpose of this short introductory paragraph is to establish your position as well as the issue's importance. A strong statement of concern will be more convincing to your audience.

#### *Paragraphs Two, Three:*

Give background information. Explain and define your issue, and tell what has happened in the past. If your issue is complex, you will need to explain to your reader the complicating factors, as for example, comparable worth or changing the date of the presidential primary. Explain how this issue started or how the government became involved. Again, your job is to make your audience believe that this is an important issue.

#### *Paragraphs Four, Five, Six, Seven, and Eight:*

In this section you will need the most research. You have to tell what you want done and why the issue should be resolved your way. Use the following types of questions to guide your comments. In answering them, you will be providing the information needed for this part of your paper:

What do you want the state to do to solve this problem?

What remedies have other states tried? Were they successful? Why or why not?

What did the real-life Legislature do or fail to do?

What did the Republicans want? The Democrats?

What do the experts say? Advise? Warn against? Recommend?

(Experts can be ex-generals, presidents, legislators, scientists, or others.)

#### *Paragraph Nine:*

Your conclusion is your last chance to "rule the world" or at least the state of California. Start your paragraph with the phrase, "I would support legislation that would..." Be precise and end with a strong call to action.

**BEST COPY AVAILABLE**

**Model Legislature  
Lesson Plan III — Handout 4**

**Table of Most Frequently Used Parliamentary Motions For Junior State Debates**

<b>Motion To Use</b>	<b>Purpose of This Motion?</b>	<b>May This Motion Be Made If a Speaker Has Been Recognized?</b>	<b>Does This Motion Need Need a Second?</b>	<b>Is This Motion Debatable?</b>	<b>Vote Required to Pass This Motion</b>
<i>Rise to a point of order</i>	To correct an error in Parliamentary procedure	Yes	No	No	Decision of The Chair
<i>Rise to a point of personal privilege</i>	To make a personal request during the proceedings	Yes	No	No	Decision of The Chair
<i>Rise to a point of parliamentary inquiry</i>	To ask a question about the proceedings	Yes	No	No	Answer from The Chair
<i>To adjourn</i>	To dismiss the meeting	No	Yes	No	Majority
<i>To recess</i>	To dismiss the meeting for a specific length of time	No	Yes	Only the length of time	Majority
<i>To suspend the rules or extend time</i>	To take action contrary to established rules or set time limits	No	Yes	No	2/3rds
<i>To move the previous question on resolution (or amendment)</i>	To stop debating resolution (or amendment) and take an immediate vote	No	Yes	No	2/3rds
<i>To limit time of debate</i>	To set a time limit on debating the resolution or the amendment	No	Yes	Length of Time Only	2/3rds
<i>To amend</i>	To modify or change a motion or resolution	No	Yes	Yes	Majority
<i>Main Motion or Resolution</i>	To introduce business or suggested action	No	Yes	Yes	Majority

- Notes:**
1. The *higher* a motion appears on this chart, the *higher* is its priority of importance to be dealt with.
  2. The top three motions are matters of procedure to keep the debate running smoothly; they do not require a second, the Chair decides on the action, and they may even be made after a speaker has been recognized.
  3. The remaining motions are matters of routine to help accomplish the group's wishes in the debate. You may not make these motions during a speech, they all require a second and they require a group vote.

**From: The Junior Statesmen Foundation**

**HANDOUT 5**  
**SAMPLE BILL**

AB # _____

or

SB # _____

**Abolition of State Lottery**

Sponsored by: _____

Party Affiliation: _____

- 1 Be if resolved that the Constitution of the State of _____ ,
- 2 be amended to repeal Article _____ Sections _____
- 3 which previously made legal the California Lottery.

Reminder: Constitutional Amendment requires 2/3 votes of each house to appear on the ballot for voter approval.

**HANDOUT 6**  
**Guidelines for Introduction of Bill Speech**

**GUIDELINES FOR INTRODUCTION OF BILL SPEECH**

**50 POINTS**

1. Introductions — Introduce yourself, your topic and your position on the bill before us.
2. Background — (Only if necessary to meet the audience's needs). This is especially important if you have a bill that is specific in vocabulary or technology. Consider your audience. You will not be persuasive at all if you are not communicating with them. They must be able to understand what you are saying.
3. Arguments — There must be three (3) **arguments** in the speech. You must try to put these arguments in your own words. You may bring to the podium notes and even your position paper, but you may not stand there and read to us. You may refer to your notes but not read them.
4. Ending — Restate your position and tell the audience exactly what it is that you want them to do: pass the bill, amend the bill, or defeat the bill. This is the time to leave the audience with a lasting impression. It would not hurt to tell your "worst scenario" story. The audience needs to be left with a reason to believe in your cause.
5. Response to questions — Be prepared to answer questions the other members of the legislature might have on issues and arguments that you have brought forth.  
Know your material.



## CHAPTER

We sometimes forget how closely students' lives are intertwined with government. As former State Supreme Court Justice Cruz Reynoso recently reminded a group of mentor teachers, the State of California dictates how long students spend in the classroom, the curriculum they study and the books they read, their participation in extra-curricular activities through grade requirements, and the belongings they store in their lockers. Students' freedom of expression in newspapers and yearbooks is protected by the Constitution and restrained by case law.

Our hope is that through a study of state government and history that students will acquire habits of participation which they need to make positive changes in the world around them, for we believe that the purpose of schooling is not only the acquisition of academic skills, but also a means of connecting young people with adults, activities, and peers so that their presence and contribution are necessary to the successful functioning of the school, an important first step in training citizens of our democracy and leaders for the future. Establishing this clear relationship between students' experiences with government now and their potential for tomorrow underlies the philosophy of this book. In preparing students for responsible citizenship today, we hope to generate leaders for tomorrow.

Why then do we study California? California indeed is experiencing tremendous challenges — an exploding population, socio-economic changes, a crumbling infrastructure, and turmoil within the schools, government, and society. These changes will affect all of us. At the same time, California possesses enormous resources, both in the land and waters about us and in the energy and talents of its peoples. With effort, information, and skills, let us all create opportunities from our challenges.

## ENDNOTES

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## GLOSSARY

- administrator** - person who is in charge of the day-to-day management of an organization. (II)
- agenda** - list of priorities for action favored by individual, group, or organization. (I - Reading)
- appropriations** - the process of setting aside money for a particular use. (V)
- bill** - a draft of a law or a proposed law. (V)
- boards and commissions** - governmental departments charged with developing policies and plans and making significant decisions within a particular area; for example, the Fair Political Practice Commission; the Agricultural Labor Relations Board, the Public Employment Relations Board, and the Energy Commission. (II)
- bonds** - by election, voters guarantee payment for building or improvements to schools, county or state buildings, and or the infrastructure. (II)
- budget** - a plan for the administration of an agency or organization for a fiscal year; lists projected expenses and proposals for financing them. (II)
- Californios** - native Californians. (I)
- census** - counting of the nation's population every ten years. (III)
- chamber** - the place or room in which a house of the Legislature meets. (V)
- check and balances** - a system of sharing power between the branches of government so that no one branch can prevail over the other two. (II)
- coalition** - people joining together to support or oppose proposed legislation. (IV)
- concurrence** - when both houses agree on a version of a bill. (V)
- concurrent resolution** - both houses of the Legislature adopting the same rules, creating joint committees or paying honor to someone. (V)
- consensus** - agreement by members of a group upon decisions or actions. (II)
- constituent** - a person who resides within a particular legislator's district and upon whose vote the legislator's re-election depends. (II)
- de-facto alliances** - groups of civic leaders, business people, and experts who meet together unofficially to recommend plans for solutions to a region's problems. (I - Reading)
- democracy** - government in which the ultimate power rests with the people, either directly or indirectly through elected representatives who carry out government activities. (II)
- economic** - related to how goods and services are introduced and consumed into the marketplace; concerned with material goods and resources. (II)
- economic base** - job opportunities and industries in a city or region; areas with only one industry risk major disruption if that industry fails or moves to a different location. (I)
- egalitarian** - the belief that every person is created equal. (I - Reading)

- engrossment** - a reprint of an amended bill showing changes through strike-overs and different wording in italics. (V)
- enrollment** - after agreement by both houses, the printed version of an amended bill without the symbols indicating changes. The enrolled bill must be returned to the proper committee of the house to determine if it correctly states what was agreed upon by the houses. (V)
- entity** - a group with power to make specific governmental decisions; may be a planning board, a town council, a board of supervisors, a fire district, a house of the Legislature. (II)
- evolve** - growing, developing, changing characteristics over a period of time. (IV)
- executive** - the branch of government with the power to carry out the decisions of the legislative branch. (II)
- expenditures** - an organization's expenses or money paid out. (V)
- federalism** - a kind of government in which power is shared between the central or federal government and the state and local governments. (II)
- fiscal measures** - legislative bills containing money appropriations. (II)
- general-obligation debt** - money borrowed by the state to finance capital projects. The voters have guaranteed repayment of the debt through approving bond elections. (II)
- gerrymandering** - drawing of district lines to give the majority party as many districts as possible in the Legislature while leaving the opposition with the minimum, a way for the majority party to assure its domination even without a majority vote at the polls. (III)
- grass-roots support** - support for a political idea or cause beginning at the local or rural levels away from centers of influence or decision-making. (III)
- gubernatorial** - relating to the governor. (II)
- haves and have-nots** - a way of characterizing a two-tiered society. The haves possess wealth and opportunity while the have-nots are poor without prospects of obtaining more than low-paying jobs. (I - Reading)
- hearing** - a meeting of a committee of the Senate or Assembly at which witnesses provide testimony about an issue. (V)
- homogeneous** - a group whose members share one or more important similarities such as ethnic origin, religion, political persuasion, income level, and or intelligence level. (III)
- implications** - logical possibilities or consequences of passing a law. (IV)
- inertia** - a state of inaction; failure to recommend or develop solutions to the problems facing the state. (I - Reading)
- infrastructure** - the underlying structures necessary for people living in organized societies, including water delivery systems, sewers, highways, roads, and bridges. (I - Reading)
- initiatives** - legal process by which amendments to the state's Constitution are placed on the ballot, requiring signatures of eight percent of the votes cast in the previous gubernatorial election. Initiative statutes require five percent of the votes cast during the same period. (I - Reading)
- joint resolution** - both houses of the Legislature send a message to Congress expressing their opinion on pending legislation. (V)
- judicial** - the branch of government which has the power through the court system to determine whether the laws are being carried out, to pass judgments in civil disagreements, and to hand down sentences to those convicted of crimes. (II)
- legislative** - the branch of government which has the power to make laws and to determine with advice from the governor how the budget is to be spent. (II)
- line-item veto** - the power of the governor to veto or to eliminate specific items in the state budget. (II)
- lobby** - to attempt to persuade or influence members of a legislature through a variety of activities. (III)
- majority party** - the political party in either house with the most members and thus the most likely to succeed in passing its measures. (III)
- measures** - a proposed bill, law, or legislative act. (V)

- ordinance** - a law enacted by a county or city governing body. (II)
- political party** - an organization, such as Republican or Democrat, which is involved with recommending people who wish to make policy in government; similar interests and goals shared by members. (III)
- popular sovereignty** - a system in which government is based upon the permission of the governed rather than upon heredity such as a monarchy or force such as a dictatorship. (II)
- precinct** - a subdivision of a county for tallying votes in elections. (V)
- proponents** - people who are in favor of an idea, policy, or plan. (II)
- public policy** - the course of action established by lawmakers with the advice and approval of the government and carried out by the various boards and commissions of the bureaucracy. (IV)
- reapportionment** - the division of the state into electoral districts, occurring at least once after every ten-year federal census. (III)
- recall** - the power of the citizens to remove an elected official from office. (II)
- referendum** - a procedure, requiring a petition or collection of signatures, which prevents a law going into effect until a popular election on the matter is held; used to block statutes or local ordinances. (II)
- revenue bond** - a method of raising money for projects through selling bonds which pay interest to the investors and are financed by funds earned by the project. (II)
- revenues** - an organization's income or funds received. State and local governments receive revenues through taxes, licenses, and fees. (V)
- status quo** - maintaining things the way they now exist; not risking change. (III)
- statute** - a law enacted by the Legislature. (II, V)
- terrain** - the physical features of the land: mountains, valleys, lakes, deserts, rivers. (I)
- two-tiered society** - a community, nation or people divided into social classes of rich and poor, lacking a middle class. (I - Reading)
- urgency bill** - a law requiring a two-thirds vote of both houses of the Legislature, going into effect immediately rather than on January 1 of the next calendar year as prescribed by the Constitution. (II)
- veto** - the power of the executive — whether president or governor — to overturn a law passed by the Legislature. (II)

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